

DOCUMENT No. 9.

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BOARD OF ALDERMEN,

APRIL 27, 1857.

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The following Acts, passed by the Legislature of the State, relative to this city, were received, laid on the table, and ordered to be printed.

D. T. VALENTINE, *Clerk.*

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AN ACT

TO REDUCE THE SEVERAL ACTS RELATING TO THE DISTRICT COURTS IN THE CITY OF NEW YORK INTO ONE ACT.

Passed April 13, 1857, three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

§ 1. The city of New York is divided into seven judicial districts, in which there shall continue courts denominated district courts of the first, second, third, fourth, fifth, sixth and seventh districts of that city, respectively.

§ 2. The districts mentioned in the first section of this act, are as follows:

1. The first district embraces the First, Second, Third and Fifth Wards.

2. The second district embraces the Fourth, Sixth and Fourteenth Wards.

3. The third district embraces the Eighth and Ninth Wards.

4. The fourth district embraces the Tenth, Fifteenth and Seventeenth Wards.

5. The fifth district embraces the Seventh, Eleventh and Thirteenth Wards.

6. The sixth district embraces the Sixteenth, Eighteenth, Twentieth and Twenty-first Wards.

7. The seventh district embraces the Twelfth, Nineteenth and Twenty-second Wards.

§ 3. These courts have jurisdiction in the following actions:

1. In actions similar to those as provided by sections fifty-three and fifty-four of the code of procedure, where the sum recovered shall not exceed two hundred and fifty dollars, notwithstanding the accounts of both parties may exceed four hundred dollars.

2. In an action upon the charter, ordinance or by-law of the corporation of the city of New York, or a statute of this state, where the penalty shall exceed two hundred and fifty dollars.

3. In any action commenced in pursuance of this section, where the claim or demand shall exceed the sum of one hundred dollars, upon the application of the defendant, the justice shall make an order removing the same, at any time after issue joined, and before the trial of the same, into the Court of Common

Pleas, in and for the city and county of New York, upon the defendant executing to the plaintiff an undertaking with one or more sufficient sureties, to be approved of by the justice of the court in which such action is commenced, to pay to the plaintiff the amount of any judgment that may be awarded against the defendant by the said Court of Common Pleas.

§ 4. An action of which these courts have jurisdiction must be brought,

1. In a court held in the district in which either the plaintiff or defendant, or one of the plaintiffs or one of the defendants resides, unless all the plaintiffs or all the defendants reside out of the city of New York, in which case the action may be brought in either of the said districts. If the justice be either a party to the action, or a necessary witness therein, or otherwise disqualified from trying the same, or there be a vacancy in the office of justice in that district, it may be commenced in any district, except the one in which such justice holds the court.

2. If the defendants be a corporation created by law, in a court held in the district in which the plaintiffs, or either of them, reside, or in which it transacts its general business, or keeps an office, or has an agency established for the transaction of business, or is established by law, except the Corporation of the city of New York, which may sue or be sued in either of said districts.

§ 5. There is a justice of each of these courts elected by the electors of the district in which it is established, under a special statute of this state, and vacancies are filled

under like statutes; he must be a resident of the city and county of New York, and must be, at the time of his election, of the degree of a counselor at law of the Supreme Court of this state; but the latter qualification shall not apply to the justices now in office, during their present term of office.

§ 6. The justice elected in each district must hold the court therein, or, if his office be vacant, or if he be absent from the usual place of holding his court, or unable from illness to hold the same, it may be held by a justice elected in another district; and whenever the justice fails to attend, the clerk may adjourn, in the same manner, as the justice might have done.

§ 7. These courts must be held at the places in their respective districts now or hereafter appointed by the Corporation of the city of New York, (except the court in the first district, which shall be held therein, or may be held in such rooms as may be provided therefor by said corporation, in the Park of said city; and when so provided, shall be deemed within the first district for the purposes of this act,) at such hours in every judicial day, or as often as the respective justices may direct, and must continue in session as long as the public interest requires.

§ 8. These courts have official seals furnished, at the expense of the city of New York, on which are engraved the arms of the state of New York, and the words "first district court," (or whatever district it may be,) "New York city;" but nothing herein contained shall authorize such courts to issue certificates of naturalization.

§ 9. Parties in these courts may prosecute or defend in



person, or by agent or attorney, except that the constable who served the summons, warrant, attachment or jury process cannot appear and act on the trial on behalf of either party;

§ 10. Actions in district courts are commenced by summons, warrant or attachment, or by voluntary appearance in person, and pleading without summons, warrant or attachment; in the latter case the action is deemed commenced at the time of appearance and pleading.

§ 11. When a guardian is necessary he must be appointed by the justice as follows:

1. If the infant be plaintiff, the appointment must be made before the summons, warrant or attachment is issued upon the application of the infant, if he be of the age of fourteen years or upward, if under that age, upon the application of some relative or friend. The consent in writing of the guardian to be appointed, and to be responsible for costs if he fail in the action, must be first filed with the clerk of the court.

2. If the infant be defendant, the guardian must be appointed at the time the summons is returned personally served, or before the pleadings. It is the right of the infant to nominate his own guardian, if the infant be over fourteen years of age, and the proposed guardian be present, and consent in writing to be appointed, otherwise the justice may appoint any suitable person who gives such consent.

§ 12. The summons must be addressed to the defendant by name, or, if his name be unknown, by a fictitious name, and must summon him to appear before the justice in the

court at the court room thereof, and at the time specified therein, to answer the complaint of the plaintiff, and must state the amount for which the plaintiff will take judgment. If the defendant fail to appear and answer, it must be subscribed by the clerk of the court out of which the same is issued, or by his deputy, in the name of such clerk.

§ 13. The time mentioned in the summons for the appearance of the defendant, and the time of service must be as follows:

1. Where the defendant is not a resident of the city, or where the plaintiff is not a resident, and gives the security required by the twenty-third section of this act, it must be returnable in not less than two, nor more than four days from its date, and must be served at least two days before the time for appearance mentioned therein.

2. In all other cases it must be returnable not more than twelve days from its date, and must be served at least six days before the time of appearance.

§ 14. The summons must be served by a constable of the city of New York, or by a person not interested in the cause, as follows:

1. If an action be against a corporation, by delivery of a copy to the president or other head of the corporation, or to the secretary, cashier or managing agent thereof, or when no such officer resides in the city, to a director resident therein.

2. If against a minor, under the age of fourteen

years, by delivery of a copy to such minor, and also to his father, mother or guardian, or if they be not within the city, then to any person having the care or control of such minor, or with whom he resides, or in whose service he is.

3. If against a person judicially declared to be of unsound mind, or incapable of conducting his own affairs, in consequence of habitual drunkenness, or for any other cause, and for whom a committee has been appointed, by delivery of a copy to such committee, and to the defendant personally.

4. In all other cases to the defendant personally.

§ 15. In any action arising on contract, for the recovery of money only, either expressed or implied, or on an account, the constable or person serving the summons, warrant or attachment, may serve therewith and in like manner, a copy of the complaint, together with a copy of such contract, or a statement of the amount due thereon, or a copy of said account and notice that the plaintiff will take judgment for the sum specified therein; in such case, unless the defendant in his answer, specifically deny the same, he is to be deemed to have admitted it, and the court is authorized to enter judgment therefor, without further proof. When a copy of the complaint is served, as specified in this section, the original complaint, and the answer thereto must be verified by the oath of the party pleading, or if he be not present, by the oath of his agent or attorney, to the effect that he believes it to be true; the verification must be in writing, except when the answer is oral, in that case the verification may be oral. Where the service of the summons, or the summons

and of the copy of the complaint accompanying the same, shall be made by any other person than a constable, it shall be necessary for such person to state in his affidavit of service, when and at what particular place, and the manner he served the same, and that he knew the person served to be the person mentioned and described in the summons as defendant therein, which affidavit must be filed in the cause before a judgment by default for not answering shall be entered therein; when a copy of the complaint is served by a constable, his certificate shall be presumptive evidence thereof.

§ 16. A warrant to arrest the defendant may be issued, directed to any constable of the said city, in the following cases.

1. In an action for the recovery of damages, in a cause of action not arising on contract, when the defendant is not a resident of the county, or is about to remove therefrom, or when the action is for a wilful injury to person or property.

2. In an action for a fine or penalty, or for money or property embezzled or wrongfully misapplied, or converted to his own use by a public officer, or an officer of a corporation, or an attorney, factor, broker, agent or clerk, in the course of his employment as such, or by any other person acting in a fiduciary capacity.

3. Where the defendant has been guilty of a fraud in contracting the debt, or incurring the obligation for which the action is brought, or in concealing or disposing of the property, for the taking, detention or conversion of which the action is brought.

4. When the defendant has removed, concealed or disposed of his property, or is about to do so, with intent to defraud his creditors.

5. When an arrest is authorized by special statute, in an action for a fine or penalty or for a wilful violation of duty.

6. When the action is for the recovery of a fine or penalty under the ordinances or by-laws of the Corporation of the city of New York; but no female can be arrested, except for a wilful injury to person or property.

§ 17. The defendant, immediately upon being arrested, must be taken to the usual court room of the court out of which the warrant is issued, unless he gives the security specified in section nineteen of this act; and if the justice thereof be absent, or unable to try the action, or if it be made to appear to the satisfaction of such justice by the affidavit of the defendant that he is a material witness in the action, the constable must immediately take the defendant before the justice of the next district court, who must take cognizance of the action, and proceed therein, the same as if the warrant had been issued out of the latter court.

§ 18. The constable making the arrest must immediately give notice thereof to the plaintiff, and indorse on the warrant, and subscribe a certificate, stating the time of serving the same, and of his giving notice to the plaintiff.

§ 19. The constable making the arrest, or another constable, by direction of the justice, must keep the defendant in custody, unless he shall give the security for his appearance, in case the court is not sitting, as provided by sec-



tion one hundred and eighteen of the act entitled "An act to reduce the several laws relating particularly to the city of New York, into one act," passed April 9, eighteen hundred and thirteen, which section shall be deemed a part of this section—or until he is duly discharged by order of this court; but in no case can such detention exceed forty-eight hours from the time of his first being brought before the justice, unless within that time the trial of the action be commenced, or unless it be delayed at the request of the defendant, or in consequence of his demand for a jury trial. If the trial of the action be delayed at the request of the defendant, or in consequence of his demanding a trial by jury, he must file with the court the undertaking required by section twenty-six of this act, before such delay is granted to him.

§ 20. All laws in relation to the issuing of attachments by justices of the peace, when the debt or damages claimed do not exceed two hundred and fifty dollars, and of the service thereof, shall apply to these courts, except when the same may be inconsistent with this act; and also, except that such attachment shall be signed by the clerk, or his deputy in the name of such clerk, with the allowances thereof indorsed thereon, signed by the justice.

§ 21. Before a warrant or attachment shall issue, the party applying must prove to the satisfaction of the justice, by the affidavit of himself or some other person, the facts on which the application is founded, and the amount of his debt or claim over all payment and set-offs. The plaintiff must also execute and deliver to the clerk of the court a written undertaking, approved by the justice, with such approval indorsed thereon, with or without sureties,

to the effect that if the defendant recovered judgment, the plaintiff will pay to him all costs and extra costs that may be awarded to the defendant, and all damages which he may sustain by reason of the arrest, not exceeding the sum specified in the undertaking, which must be double the amount claimed; if the undertaking be executed by the plaintiff without security, he must annex thereto an affidavit that he is a resident householder in the city of New York, and worth double the sum specified in the undertaking, as well as over and above all his debts and liabilities, as of his property exempt by law from execution; but the proof and security required by this section shall not be necessary where the warrant is issued for the violation of a by-law or ordinance of the Corporation of the city of New York, or for the recovery of a penalty or a forfeiture under the statutes of this state where the Corporation of the city of New York or the people of the State of New York are plaintiffs.

§ 22. The summons, warrants and attachments issued out of these courts, shall not be served out of the city and county of New York, and the action shall be deemed commenced at the time such summons, warrant or attachment is actually delivered for service, if the constable or other person having the summons to serve cannot find the defendant so as to serve him therewith as required by this act, he must so return, and the clerk shall, at the request of the plaintiff, continue from time to time to issue others, until the defendant is served.

§ 23. Plaintiffs not residing in the city and county of New York shall, before the issuing of the short summons, as provided in subdivision one of section thirteen of this

act, file with the clerk of the court a written undertaking, executed by one or more sureties, to the effect that if the defendant recover judgment, he will pay him all costs and extra costs that may be awarded him, not exceeding one hundred dollars. If the defendant shall recover judgment in such case, and the execution be returned unsatisfied, in whole or in part, the clerk shall deliver to the defendant such undertaking, to be prosecuted according to law.

§ 24. The pleading must take place at the time the summons, warrant or attachment is returned served, or at such other time as the justice may direct. The court may at the time of pleading, or at any other time before the trial, require the plaintiff or defendant to exhibit to the inspection of the adverse party, with liberty to copy the same, any writing or account declared on or set up in the way of off-set or counter claim, or, if not so exhibited, may prohibit its afterward being given in evidence.

§ 25. The trial of the action may be adjourned by the court, or on the application of either party, for a period not exceeding eight days at any one adjournment, unless the defendant is under arrest, in which case it shall not be adjourned to exceed forty-eight hours, except by consent of the defendant; an adjournment for more than forty-eight hours in such cases, except on application of the defendant, or by his consent, discharges the defendant from custody; but the action may proceed, notwithstanding such discharge, and the defendant shall be subject to arrest on the execution in the same manner as if he had not been so discharged. The trial may be adjourned for a longer period by consent, or where neither party objects to the same.

§ 26. If the application for the adjournment of the trial be on the part of the defendant under arrest, before it can be granted he must execute an undertaking, with one or more sufficient sureties, to be approved by the justice, which approval must be indorsed on the undertaking, to the effect that he will appear on the adjourned day, and not depart until duly discharged according to law, or until after the trial and judgment, and that he will surrender himself into custody if any execution be issued upon the judgment, when obtained against him, in the action.

§ 27. An adjournment may be had either at the joining of issue, or at any subsequent time to which the cause may stand adjourned on application of either party, for a period longer than eight days, but not to exceed ninety days from the return of the summons or attachment, upon executing an undertaking, in writing, with one or more sufficient sureties, to the effect that he will pay to the plaintiff or defendant the damages, costs and extra costs, in case judgment shall be rendered against him in the action, upon proof by the oath of the party or otherwise, to the satisfaction of the justice, that such party cannot be ready for trial before the time to which he desires an adjournment, for the want of material evidence, describing it, that the delay has not been made necessary by any act or neglect on his part since the action was commenced; and that he expects to procure the evidence at the time stated by him.

§ 28. The justice may impose upon the party applying for an adjournment, such conditions as to him may seem reasonable.

§ 29. If the plaintiff fail to appear at the return of the summons, warrant or attachment, and make his complaint, the action must be dismissed.

§ 30. The courts may issue commissions to take the testimony of witnesses residing out of the city and county of New York, to be read on the trial of actions therein, in the same manner as justices of the peace now by law are authorized to do, which power and authority is hereby extended so as to authorize the issuing of commissions to take the testimony of witnesses residing out of this state.

§ 31. Whenever any action pending in either of said courts shall be commenced by the actual service of process, or when the defendant shall have appeared in the action, either party may have the testimony of any witness who is about to leave the city and county of New York, and will probably continue absent, when the testimony is required, taken conditionally, to be used on the trial of such action, in the same manner and with like effect, as provided by article first, title three, chapter seven, of the Revised Statutes, entitled "Of taking, conditionally, testimony of witnesses within the state."

§ 32. Subpœnas requiring witnesses to appear and testify on the trial of an action, on the demand of either party, to be issued out of these courts by the clerks thereof, in the same form and served in the same manner as subpœnas issued out of a court of record, but shall not be served out of the city and county of New York, or an adjoining county thereto; and for neglect or refusal to attend and testify as required by such subpœnas, such witnesses may be attached and punished in the manner now provided by law for punishing similar neglect or re-



fusal in courts of record; witnesses are entitled to twenty-five cents for each day's attendance on the trial of an action.

§ 33. The commissioner of jurors shall, on or before the first Monday of September, in each and every year, furnish the clerk of each of these courts with a list of the names, residence and occupation of such number of persons liable to do jury duty, and who shall reside within the district for which they are selected, as the justice of the court may require, in writing, not exceeding one hundred and fifty to each district, and certify the same. A person named on the list thus furnished shall not be liable to do duty in any other court at any time during the year for which they are so furnished. The clerk of the court who shall receive such jury list, must write on a slip of paper the name of each of the persons so furnished, and place the same in a box, to be called the undrawn jury box.

§ 34. A trial by jury must be demanded at the time of joining an issue of fact, and is waived if neither party then demand it; when demanded, the trial of the case may be adjourned until a time fixed for the return of the jury. The clerk must publicly draw twelve persons from the undrawn jury box, and deliver the list thereof to a constable, or to a person deputed by the justice for that purpose, with a written or printed notice, directed to each person named in the list, requiring him to attend, as directed, as a juror, at a time specified therein; out of which number, six of the persons attending shall be drawn to try the cause, providing that number appear.

§ 35. The officer, or the officer thus deputed, must

thereupon immediately summon each person named in the list, by giving him the notice mentioned in the last section personally, or by leaving it at his place of residence, with some person of suitable age and discretion, and must return the list to the court at its opening, on the day for which the jury was drawn, specifying the persons summoned, and the manner in which each was notified.

§ 36. The court to which the list is returned may impose a fine, not exceeding ten dollars, for the neglect of a juror, without reasonable cause, to attend, and the same shall be collected in the manner now provided by law for the collection of like fines in courts of record; but if such notice was not personally served, the fine cannot be imposed until, upon an order to show cause, an opportunity is afforded him to be heard.

§ 37. If a sufficient number of competent and indifferent jurors do not attend, the justice must direct to be summoned, by a constable, or a person deputed for that purpose, from the vicinity, sufficient to complete the jury.

§ 38. The ballots containing the names of the jurors summoned and not drawn, must be returned by the clerk to the undrawn jury box, to be drawn as in the first instance. The ballots containing the names of the jurors who served, must be placed in a box, to be called the drawn jury box, until all the other names have been drawn therefrom; and as often as that happens, the whole number must be returned to the undrawn jury box, as in the first instance.

§ 39. Before a party can be entitled to a jury, he must deposit with the clerk, at the time he demanded a trial

by jury, the sum of three dollars and the officer's fees for summoning the jury, from which the clerk must refund to the party the fees of all jurors who do not attend, which jurors' fees, not refunded, and the officers' fees, must be included in the judgment, as part of the costs, in case the party calling the jury recover judgment.

§ 40. No adjournment can be granted after the return of the jury, unless the party requiring the same, in addition to the other conditions imposed upon him, deposit with the clerk, to be immediately paid to the jurors attending, the sum of twenty-five cents each, which amount in no case is to be included as part of the costs in the judgment.

§ 41. If either party object to the competency of a juror, the question thereon must be tried in a summary manner by the justice, who may examine the jurors or other witnesses on oath.

§ 42. The verdict of the jury must be general for the plaintiff for a specific sum, or for the defendant, or where there is a counter claim or set-off proved for the defendant in a specific sum; but when there are several plaintiffs or defendants, the verdict may be for or against one or more of them, and the judgment must be entered therein immediately after the rendering of the verdict.

§ 43. If, at any time before the trial has actually commenced, it shall appear to the satisfaction of the justice that he is a necessary witness on the trial of the cause, or is disqualified to try the same, he shall, by an order entered in the cause, order the papers in the same to be transferred to a district court for the adjoining district,

and the latter court shall there have jurisdiction to hear and try the same.

§ 44. The swearing of the jury, and the mode of conducting the trial, are the same in these courts as they are in courts of record.

§ 45. Judgment that the action be dismissed, with costs, without prejudice to a new action, shall be rendered in the following cases:

1. Where the plaintiff voluntarily discontinues the action before it is finally submitted.

2. When he fails to appear at the time specified in the summons, warrant or attachment, or upon adjournment.

3. When it is objected at the trial, and appears by the evidence, that the action is brought in the wrong district, or by a plaintiff not a resident in the county, without giving the security required by this act, or that the court has not jurisdiction; but if the objection be taken and overruled, it is cause only of reversal on appeal, and does not otherwise invalidate the judgment; if not taken at the trial, it is waived, and the court will be deemed to have jurisdiction.

4. Where the plaintiff does not prove his cause of action.

§ 46. When the defendant fails to appear and answer, judgment must be given for the plaintiff, as follows:

1. When a copy of the complaint, account or instrument, has been served personally with the summons, warrant or attachment, as prescribed by sec-

tion fifteen of this act, judgment must be given, without further evidence, for the sum specified therein.

2. In other cases the justice must hear the evidence of the plaintiff, and render judgment for such sum only as shall appear by the evidence to be just, but in no case to exceed the sum specified in the summons, warrant or attachment.

§ 47. Upon the issue of fact joined, if a jury trial be not demanded, as required by this act, the justice must hear the evidence, and decide all questions of fact and law, and render judgment accordingly, within eight days from the time the same is submitted to him for that purpose, except when the defendant is under arrest, and has not given security for his appearance; in such case the justice shall render his judgment immediately after the close of the trial. All issues of law shall be heard and decided by the judge, without a jury.

§ 48. The provisions of sections fifty-five to sixty-four, both inclusive, and of section sixty-eight of the code of procedure, shall apply to these courts, except that the transcript of judgment specified in the latter section shall be furnished by the clerk of the court in which the judgment was rendered, and also except that the execution may issue as well out of the district court in which the judgment was rendered, as out of the court of Common Pleas.

§ 49. Where the amount found due to either party exceeds the sum for which the justice is authorized to enter judgment, such party may remit the excess, and judgment may be entered for the residue.



§ 50. When a judgment is rendered in a case where the defendant is subject to arrest and imprisonment thereon, it must be so stated in the judgment and entered in the docket.

§ 51. Execution for the enforcement of a judgment in a district court may be issued by the clerk of the court in which the judgment was rendered, or by his successor in office, on the application of the party entitled thereto, at any time within five years from the entry of the judgment, and it may also be issued out of the court of Common Pleas after the same has been docketed in the county clerk's office.

§ 52. The execution, when issued out of the district court, must be directed to a constable of the city of New York, and subscribed by the clerk of the court in which the judgment was rendered, or by his successor in office, and must bear date of the day of its delivery to the officer to be executed. It must intelligibly refer to the judgment by stating the name of the justice before whom and of the district where, and the time when rendered, and the amount of the judgment; and if less than the whole is due, the true amount due thereon. It must require of the constable substantially as follows:

1. If it be a case where the defendant cannot be arrested, it must direct the officer to collect the amount of the judgment, or the amount due thereon, out of the personal property of the debtor, and to pay the same to the party entitled thereto.

2. If it be a case where the defendant may be arrested, in addition to the foregoing, it may direct the officer, if sufficient property of the defendant,

liable to execution, cannot be found to satisfy the judgment, that he arrest the defendant and commit him to the jail of the county, until he pay the judgment or be discharged according to law.

3. It must further in all cases direct the officer to make return of the execution, and a certificate thereon showing the manner in which he has executed the same, in twenty days from the time of his receipt thereof, to the court from which the execution issued.

§ 53. Upon an execution, or judgment against joint debtors, upon one or more of whom the summons, warrant or attachment was not served, the execution must contain a direction to collect the amount out of the joint property of all the defendants, and the separate property of the defendants upon whom such summons, warrant or attachment was served, to be specified by name. If such judgment be also such that the defendants are subject to arrest thereon, the execution must further specify the names of the defendants served with the summons, warrant or attachment, who may be arrested for want of property.

§ 54. When the execution directs the arrest of the defendant for want of sufficient personal chattels, if there be not sufficient subject to levy known to the officer, or if upon demand by the officer of the defendant, he fail to produce sufficient property, the officer may, without further delay, arrest the defendant; when arrested, the defendant must be conveyed to the common jail of the county, and there kept in custody until the execution, with costs, be paid, or he be discharged by due course of law.

§ 55. An execution may, at the request of the plaintiff, be renewed before the expiration of the twenty days by the word "renewal" being written thereon, with the date thereof, subscribed by the clerk of the court or his deputy; such renewal has the effect of an original issue, and may be repeated as often as may be necessary. If an execution be returned unsatisfied, others may be issued on the like request, from time to time, until the judgment be satisfied.

§ 56. A defendant cannot be arrested, nor his property sold on execution after twenty days from its issue, or renewal, but property levied on within the twenty days may be sold after renewal.

§ 57. A constable is liable to a party in whose favor an execution is issued to him for the amount thereof in the following cases:

1. When he suffers the twenty days to elapse without making a true return thereof, and filing the same with the clerk of the court, and paying to him or to the party entitled thereto the money collected thereon by him.

2. When he wilfully or carelessly omits to levy on property of the defendant, or if the defendant be liable to arrest, to arrest and imprison him within the twenty days, or having arrested the defendant fails to commit him to the county jail within the twenty days.

§ 58. Whenever an execution has been returned satisfied in whole or in part, where a transcript of the judgment has been filed in the county clerk's office, a certifi-

cate thereof, signed by the clerk of the court in which the judgment was rendered, may be filed in the office of the clerk of the county, who shall thereupon enter satisfaction for the amount so satisfied; judgments docketed in these courts may be satisfied in the same manner as judgments docketed in courts of record.

§ 59. Every clerk of these courts must keep a book, denominated a docket, in which must be entered by him

1. The title of every action in which a summons, warrant or attachment is issued, or when parties voluntarily appear.

2. The date of the summons, warrant or attachment, and the time of its return, and if an allowance of a warrant to arrest the defendant or to attach his property was made, such facts must also be stated.

3. The time when the parties or either of them appeared; a minute of their pleadings, if in writing, referring to them; if not in writing, a concise statement of the material part of the pleadings.

4. Every adjournment, stating on whose application, whether on oath, evidence or consent, and to what time.

5. When a trial by jury is demanded, the demand must be stated and by whom made, and the time appointed for the trial, and the return of the jury.

6. The names of the jury sworn, the names of the witnesses sworn, and at whose request.

7. The verdict of the jury, and when received; if the jury disagree and are discharged, that fact must be stated.



8. The judgment of the court, its amount and the costs in the action.

9. The issuing of execution, when issued and to whom; the renewals thereof; if any, and when made, the return and when made, and a statement of any money paid to the clerk, and when and by whom.

10. The giving of a transcript to be filed in the county clerk's office, and when given.

11. The receipt of a notice of appeal or order to make or amend a return, stating the time of the receipt thereof.

§ 60. The several particulars in the last section specified must be entered under the title of the action to which they relate, and at the time when they occur, such entries in the docket, or a transcript thereof, certified by the clerk or his successor in office, with the seal of the court thereon impressed, are evidence to prove the facts as stated therein.

§ 61. The clerk must keep an index to his docket, in which must be entered the names of the parties to each judgment, with a reference to the page of entry, the names of the plaintiffs and defendants respectively must be entered in the index in alphabetical order.

§ 62. It is the duty of every clerk of these courts to deliver to his successor in office his official dockets and papers on file in his office, as well his own as those of his predecessors which may be in his custody, there to be kept as public records.

§ 63. A clerk with whom the docket of his predecessor is deposited may issue execution on a judgment there en-

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tered and unsatisfied, in the same manner and with the same effect as though he was clerk of the court at the time the judgment was rendered.

§ 64. A copy of a paper on file in the office of the clerk in either of these courts, certified by him or his deputy as such, shall be prima facie evidence thereof.

§ 65. The Corporation of the city of New York shall furnish, at the expense of that city, all necessary attendants, rooms, furniture, blanks, stationery and fuel for these courts. And an act entitled "An act in relation to the superior court and to the court of common pleas and to the marine court for the city of New York," passed July thirteen, eighteen hundred and fifty-three, shall apply to these courts.

§ 66. Subdivisions one, two, three, four and five of section ten, and sections eleven, twelve, thirteen, fourteen and fifteen, of chapter three, part third, and title second of the Revised Statutes in relation to criminal contempts, and all laws for enforcing a compliance with said sections and subdivisions shall apply to these courts.

§ 67. The following are the fees of these courts, when the plaintiff's demand is less than fifty dollars :

1. For all proceedings when the defendant does not answer, including judgment, transcript and execution, one dollar and fifty cents.

2. For all proceedings to, and including the joining of issue, if a warrant or attachment be issued, one dollar and fifty cents. If there be no warrant or attachment issued, one dollar.

3. For an adjournment, twenty-five cents to be paid by the party requesting the same.

4. For taking testimony conditionally, or issuing a commission to take the testimony of witnesses out of the city, fifty cents.

5. For all proceedings after issue to and including trial by jury, if there be one, one dollar and fifty cents. If there be no trial by jury, one dollar.

6. For judgment upon the issue and any proceedings afterward, including transcripts, executions, returns, and all other proceedings and entries, fifty cents.

7. Postage actually paid on serving or receiving a commission to take testimony, and the actual expense of taking the same.

8. For a transcript of the docket of judgment or certifying a copy of a paper on file in the clerk's office, the same fees as are allowed in the Marine Court of the city of New York for like services.

9. All necessary disbursements paid by the party recovering judgment.

§ 68. When the plaintiff's demand is for fifty dollars or more, the fees in these courts shall be the same as in the said Marine Court for like services; and the justices and clerks of these courts respectively shall receive the same compensation as the justices and clerk of said Marine Court now by law receive, payable out of the city treasury, on the first day of each and every month.

§ 69. Constable's fees for services rendered before judgment, may be included therein, when it is in favor of

the party liable therefor; and in addition to the fees now allowed by law, they shall receive the sum of twenty-five cents for every copy of the complaint served by them with the process by which the action is commenced.

§ 70. Sections three and four of an act entitled "An act in relation to the Marine Court in the city of New York," passed July twelve, eighteen hundred and fifty-three, shall apply to these courts when the plaintiff's demand be for the recovery of fifty dollars or more, but the plaintiff shall not recover such extra costs unless judgment be rendered in his favor for fifty dollars or more, nor shall either party be entitled to such extra costs unless he has an attorney actually engaged in the prosecution or defence of the action. Such extra costs shall be entered in the judgment, and belong to the party in whose favor the judgment is entered.

§ 71. The clerks of these courts shall be appointed, and hold their offices in the manner now provided by law, and vacancies in their office shall be filled in like manner; provided, however, that the clerks of said courts who shall be in office at the next election of judges for said courts shall hold their office for the same time as the justices then elected, each of the said clerks may, by an instrument in writing filed with the justice, appoint a deputy who may in his name perform all the duties required of the clerk, and he shall be liable for the faithful performance of such deputy's duty; but the services of such deputy shall in no case be paid for out of the city treasury.

§ 72. It shall be the duty of the clerk of each of these courts,

1. To keep the seal of the court, and affix it to the certificate of the transcript of the docket of the judgment, or any other certificate, when requested so to do.

2. To record the proceedings of the court.

3. To keep the records and other books appertaining to the court.

4. To file papers delivered to him for that purpose in any action.

5. To attend the sitting of the court of which he is clerk, to administer oaths in an action, in the presence of the court and under its direction, and to receive the verdict of the jury.

6. To authenticate by certificate or exemplification, as may be required, the records or proceedings of the court, or any other paper appertaining thereto and filed with him.

7. To exercise the powers and perform the duties conferred and imposed upon him by this act.

8. In the performance of his duties to conform to the direction of the court.

9. To keep his office open for the transaction of business, every judicial day, from nine o'clock in the forenoon to four o'clock in the afternoon.

§ 73. It shall be the duty of the clerk of each of these courts to collect and receive all the fees thereof and to account for and pay the same into the city treasury, monthly, under oath, on the first day of each and every month, or within three days thereafter, which account shall contain the title of each case and the amount of fees re-

ceived therein; and the salary of such clerk shall not be paid until he shall have so accounted and paid, and he shall perform no service until he shall have received the legal fees thereof,

§ 74. Every clerk hereafter appointed shall, before he enters on the performance of his duty, execute and file with the clerk of the city and county of New York, a bond, in the penal sum of five thousand dollars, with two or more sufficient sureties, to be approved by the Mayor, or one of the judges of the Court of Common Pleas, (such approval to be indorsed thereon,) to the effect, that he will faithfully perform the duties of his office, and pay into the city treasury all moneys he may receive, belonging to the city; and to pay all moneys that may be deposited with him, in any action, to the party entitled to the same. For any and every breach of this bond, the Court of Common Pleas, or a judge thereof, may order the same to be prosecuted, in the name of any person entitled to such money.

§ 75. The clerk of each of these courts is authorized to administer oaths in the city of New York, in the same manner, and with like effect as if he was a clerk of a court of record.

§ 76. The provisions of the 'code of procedure, in relation to appeals to review judgments rendered in these courts, from section three hundred and fifty-one to section three hundred and seventy-one, both inclusive, shall apply to said courts, except such appeals shall be to the Superior Court of the city of New York.

§ 77. The justices of each of these courts may, in the city of New York, by virtue of his office, administer



oaths, take depositions and acknowledgments and certify the same in like manner, and with like effect, as if he were a justice or judge of a court of record; and he may also perform the duties enumerated in the following provisions of the Revised Statutes of this state, and have all the authority therein specified,

1. Article fourth, title three, chapter seven, entitled, of "depositions to be taken in the state, to be used in courts of other states and counties."

2. Article second, title ten, chapter eight, entitled "summary proceedings to recover the possession of land in other cases."

3. Title one, chapter two, entitled "of proceedings to prevent the commission of crimes."

4. Title two, chapter two, entitled, "of the arrest and examination of offenders, their commitment for trial and letting them to bail."

§ 78. All the provisions of this act, from section one to section seventy-six, both inclusive, apply exclusively to these courts. Section seventy-seven relates to the justice only, who is thereby authorized to try special proceedings, and perform magisterial and such other duties as are therein conferred upon him, and the trial of an action or special proceeding may be continued, from day to day, or from one day to any other day or days until the same is finished, A special proceeding commenced before one justice may be continued before any other justice having jurisdiction of the subject matter, the same as though it had been originally commenced before him. A transcript of any proceedings had before either of said justices, or of any other paper filed with him, or of the minutes of

any testimony taken by or before him, certified by him to be correct, shall be presumptive evidence of the facts therein contained,

§ 79. The justice, when actually engaged in the hearing or trial of any special proceeding, shall have all the power and authority that are conferred on these courts, by section sixty-six of this act; and he may compel the attendance of witnesses on the trial of such special proceeding the same as if it was the trial of an action pending in a court of record, except that subpœnas shall be signed by the justice; and he is authorized to punish them for neglect to attend the same, as courts of record are authorized to do.

§ 80. Words used in this act, in the past or present tense, include the future, as well as the past or present; words used in the masculine gender include the feminine and neuter; the singular number includes the plural, and the plural the singular; the word "person," includes a corporation as well as a natural person; "writing" includes printing or printing paper; "oath," includes affirmation or declaration; "signature," or "subscription," includes "mark," when the person cannot write, his name being written near it, and witnessed by a person, who shall write his own name as witness. The following terms also named in this act, have the signification attached to them in this act, unless otherwise apparent from the context:

1. The word "attorney" signifies an attorney of the Supreme Court of this state, duly licensed to practice as such.

2. The word "district," signifies judicial district.

3. The word "clerk," signifies the clerk of the court where the action is pending.-

4. The word, "constable, signifies any person authorized to perform the duties of a constable.

5. The word "corporation," includes every association having any corporate rights, whether created by special acts of legislature, or under general laws.

§ 81. All statutes, laws and rules heretofore in force in this state, in any case provided for by this act, or inconsistent with its provisions, are hereby repealed and abrogated; nor is any such statute, law or rule to be deemed retained, because it is consistent with provisions upon the same subject in this act; but such repeal does not effect any right already existing or accrued, or any proceedings already taken, except in this act provided.

§ 82. This act shall take effect immediately.

STATE OF NEW YORK, {

*Secretary's Office.* } I have compared the preceding with the original law on file in this office, and do hereby certify that the same is a correct transcript therefrom, and of the whole of said original law.

Given under my hand and seal of office, at the city of Albany, this fifteenth<sup>th</sup> day of April, in the year one thousand eight hundred and fifty-seven.

N. P. STANTON,  
*Dep. Sec. of State.*

## AN ACT

IN RELATION TO PARTY-WALLS IN THE CITY OF NEW YORK.

Passed April 1, 1857.

*The People of the State of New York, represented in Senate and Assembly do enact as follows:*

SEC. 1. It shall be lawful to increase the thickness of any partition wall, or other wall, between two adjoining buildings in the city of New York, erected before the passage of the act of fourteenth April, eighteen hundred and fifty-six, in relation to buildings in said city, provided that such additions be properly and securely tied into the original wall by iron fastenings, or slabs of stone, so as to make a firm wall of not less than sixteen inches in thickness; and such wall, when so altered, shall be deemed and taken to be a sixteen inch wall, in like manner, as if originally built of that thickness, any thing in the before-mentioned act, to the contrary notwithstanding.

§ 2. If any owner, or part owner, of any wall heretofore erected between two adjoining buildings in the city of New York, shall refuse to give his written consent to the reconstruction thereof, by the entire substitution of a new wall of the thickness now required by law, in buildings more than fifty feet in height, it shall be lawful to increase the thickness of such wall by additions thereto to be firmly secured by sufficient and proper iron anchors, or slabs of stone, making together a wall of at least six-

teen inches in thickness; and such wall so strengthened and increased, shall be deemed and taken to be a sixteen inch wall, in like manner as if the same had been originally built of that thickness.

§ 3. This act shall take effect immediately.

STATE OF NEW YORK, }

*Secretary's Office.* } I have compared the preceding with the original law on file in this office, and do hereby certify the same to be a correct transcript therefrom, and of the whole of said original law.

Given under my hand and seal of office, at the city of Albany, this third day of April, in the [L. s.] year one thousand eight hundred and fifty-seven.

N. P. STANTON,  
*Dep. Secretary of State.*



## AN ACT

TO AMEND THE CHARTER OF THE CITY OF NEW YORK.

Passed April 14, 1857, three fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SEC. 1. The Corporation now existing, and known by the name of "The Mayor, Aldermen and Commonalty of the city of New York," shall continue to be a body politic and corporate in fact and in name, by the same name, and shall have perpetual succession, with all the grants, powers and privileges heretofore had by "the Mayor, Aldermen and Commonalty of the city of New York."

§ 2. The legislative power of the said Corporation shall be vested in a Board of Aldermen and a Board of Councilmen, who together, shall form the Common Council of the city of New York.

§ 3. The Board of Aldermen shall consist of one Alderman, to be elected from each district in the city and county of New York, as hereinafter provided for. The members of the Board of Aldermen first elected under this act, shall be classified as follows: The Aldermen from districts having an odd numerical designation shall hold such office for the term of one year, and those from districts having an even numerical designation shall hold such office for the term of two years. At all subsequent elections for aldermen, they shall be elected for the full term of two years.

§ 4. There shall be six Councilmen elected from each

senatorial district in the city of New York, as the same now are or may hereafter be constituted by general ticket, in each of said districts, and the person so elected from each of said senatorial districts, shall together, form, the Board of Councilmen for the said city. The Councilmen shall be chosen for one year.

§ 5. No person shall be eligible to the office of Alderman or Councilman, who shall not, at the time of his election, be a resident of the district from which he is chosen.

§ 6. Each Board of the Common Council shall have power to direct a special election to be held, to supply the place of any member whose seat shall become vacant by death, removal from the city, resignation, or otherwise, and in either case the person elected to supply the vacancy shall hold his seat only for the residue of the term of office of his immediate predecessor.

§ 7. The Boards shall meet in separate chambers, and a majority of either shall be a quorum to do business. Each Board shall appoint a President from its own body, and shall choose its clerk and other officers, determine the rules of its own proceedings, and be the judge of the election, returns, and qualifications of its own members. Each Board shall keep a journal of its proceedings, and its doors shall be kept open, except when the public welfare shall require secrecy; and all resolutions and reports of committees, which shall recommend any specific improvement, involving the appropriation of public moneys, or the taxing or assessing the citizens of the city, shall be published immediately after the adjournment of the Board, under the authority of the Board, in all the newspapers

employed by the Corporation, and shall not be passed or adopted until after such notice has been published at least two days; and whenever a vote is taken in relation thereto, the ayes and noes shall be called and published in the same manner.

§ 8. Each Board shall have the authority to compel the attendance of absent members, to punish its members for disorderly behavior, and to expel a member with a concurrence of two thirds of the members elected to the Board; and the member so expelled shall, by such expulsion, forfeit all his rights and powers as an Alderman or Councilman, and no Alderman or Councilman shall be questioned in any other place for any speech or vote in either Board.

§ 9. The stated and occasional meetings of each Board of the Common Council, shall be regulated by its own ordinances; and both Boards may meet on the same or on different days, as they may severally judge expedient.

§ 10. Any person holding office under this charter, who shall, during his term of office, accept, hold or retain any other civil office of honor, trust or emolument under the government of the United States, or under this charter, or who shall, during his said term of office, receive any fees or emoluments, directed to be paid by any ordinance of the Common Council, except as hereinafter provided, shall be deemed thereby to have vacated his office.

§ 11. Every legislative act of the Common Council shall be by ordinance, act, or resolution which shall have passed the two Boards of Common Council, before it shall take effect, shall be presented, duly certified, to the Mayor of the city for his approval. If he approve, he

shall sign it; if not, he shall return it within ten days thereafter, with his objections, to the Board in which it originated, or, if such Board be not then in session, at its next stated meeting. The Board to which it shall be returned, shall enter the objections at large on their journal, and cause the same to be published in one or more of the daily newspapers of the city. But no ordinance, act or resolution shall be valid, unless the same shall have received the assent of both Boards within the same year.

§ 12. The Board to which such ordinance, act or resolution shall have been so returned, shall, after the expiration of not less than ten days thereafter, proceed to reconsider the same. If, after such reconsideration, at least two thirds of all the members elected to the Board shall agree to pass the same, it shall be sent, together with the objections, to the other Board, by which it shall be likewise reconsidered, and, if approved by at least two thirds of all the members elected to such Board, it shall take effect as an act or law of the Corporation. In all such cases, the votes of both Boards shall be determined by yeas and nays, and the names of the persons voting for and against the passage of the ordinance reconsidered, shall be entered on the journal of each Board respectively.

§ 13. If the Mayor shall not return the ordinance so presented to him within the time above limited for that purpose, it shall take effect in the same manner as if he had approved it.

§ 14. Any ordinance of the Common Council may originate in either Board, and when it shall have passed one Board, may be rejected or amended by the other. But no ordinance shall be passed by either Board, except by



the vote of a majority of all the members elected to such Board.

§ 15. Neither the Mayor nor Recorder of the city of New York, shall be a member of the Common Council thereof.

§ 16. The executive power of the Corporation shall be vested in the Mayor and the Executive Departments.

§ 17. Whenever there shall be a vacancy in the office of Mayor, or whenever the Mayor shall be absent from the city, or be prevented by sickness, or any other cause, from attending to the duties of his office, or shall be removed, as hereinafter provided for, the President of the Board of Aldermen shall act as Mayor, and shall possess all the rights and powers of the Mayor, during the continuance of such vacancy, absence or disability, and until the next charter election, in the case of a vacancy or removal from office.

§ 18. It shall be the duty of the Mayor—

1. To communicate to the Common Council at least once a year, and oftener if he shall deem it expedient, a general statement of the situation and condition of the city, in relation to its government, finances and improvements.

2. To recommend for the adoption of the Common Council, all such measures connected with the police, security, health, cleanliness and ornament of the city, and the improvement of its government and finances, as he shall deem expedient.

3. To be vigilant and active in causing the ordinances of the city to be duly executed and enforced.

4. To exercise a constant supervision over the con-



duct and acts of all subordinate officers, and to receive and examine into all such complaints as may be preferred against any of them for violation or neglect of duty, and generally to perform all such duties as may be prescribed for him by the charter and city ordinances, and the laws of this state or the United States.

5. To appoint such clerks as may be authorized by the Common Council, and as may be required in his office, to aid him in the discharge of his official duties.

§ 19. The Mayor, Comptroller and Counsel to the Corporation, shall each be elected by the electors of the city; the Mayor for the term of two years, the Counsel to the Corporation for the term of three years, and the Comptroller for the term of four years. The Comptroller shall be voted for upon a separate ballot. The other heads of departments shall be appointed by the Mayor, with the advice and consent of the Board of Aldermen. The Board of Aldermen shall have power to confirm or reject all nominations of officers made by the Mayor; and whenever any person nominated by the Mayor shall be rejected by the Board of Aldermen, the Mayor shall immediately nominate another person.

§ 20. The Mayor, Comptroller and Counsel to the Corporation, may each be removed by the governor, for cause, in the manner provided by law in the case of sheriffs. The vacancy occasioned by the removal of the Comptroller or Counsel to the Corporation, shall be filled by the Mayor, with the advice and consent of the Board of Aldermen, until it shall be supplied at the next annual election of charter officers.

§ 21. The other heads of the Executive Departments, except the officers of the Croton Aqueduct Board, shall hold their office for two years, and until the appointment of their successors. The Mayor shall have power to suspend, for cause, during any recess of the Common Council, and by and with the consent of the Board of Aldermen, to remove any of the heads of departments, except the Comptroller and the Counsel to the Corporation, which suspension, and the cause thereof, shall be communicated to the Common Council, if in session, if not, then at the first meeting thereof. The Board of Aldermen shall have power, without the consent of the Mayor, by a vote of two thirds of all the members elected to remove any of the heads of departments, for cause, other than the Comptroller and Counsel to the Corporation. The heads of departments shall have power to appoint and remove the chiefs of bureaux and clerks in their respective departments; except that the Chamberlain shall be appointed by the Mayor, with the consent of the Board of Aldermen, and may be removed in the same manner with heads of departments. The chiefs of bureaux and clerks of departments and bureaux, shall hold office during the same term enjoyed by the heads of departments, unless sooner removed. The Chief Engineer of the Fire Department shall be elected in the same manner as is now, or may hereafter be prescribed by law. The number of clerks to the departments shall be as fixed by the Common Council, who shall also fix the terms of all offices created by them under authority of law.

§ 22. There shall be an executive department, which shall be denominated the "Department of Finance," which shall have control of all the fiscal concerns of the Corporation, and shall prescribe the forms of keeping and render-

ing all city accounts; and all accounts rendered to, or kept in the other departments of the city government, shall be subject to the inspection and revision of the officers of this department. It shall settle and adjust all claims in favor of or against the Corporation, and all accounts in which the Corporation is concerned either as debtor or creditor. The chief officer of this department shall be called the "Comptroller of the city of New York." There shall be a bureau in this department for the collection of the revenue accruing from rents and interest on bonds and mortgages, and for the collection of all revenues arising from the use or sale of property belonging to or managed by the city, and for the performance of such other duties as may be directed by the Common Council; the chief officer of which shall be called the "Collector of the City Revenue." There shall also be a bureau in this department for the collection of taxes; the chief officer thereof shall be called the "Receiver of Taxes," who shall have all the powers and perform all the duties now prescribed by law for the Receiver of Taxes, and the office of Receiver of Taxes, as heretofore constituted, and the provisions of law relating to him are hereby modified so as to conform to the provisions of this act. There shall also be a bureau in this department for the collection of arrears of taxes, arrears of assessments and arrears of water rents, the chief officer of which shall be called the "Clerk of Arrears." There shall also be a bureau in this department for the reception of all moneys paid into the treasury of the city, and for the payment of moneys on the warrant drawn by the Comptroller, and countersigned by the Mayor and Clerk of the Common Council; and the chief officer thereof shall be called the "Chamber-

lain of the city of New York." The Chamberlain shall keep books, showing the amounts paid on account of the several appropriations; and no warrants shall be paid on account of any appropriations after the amount authorized to be raised by tax for that specific purpose shall have been expended. There shall be another bureau in the Department of Finance, to be called the "Auditing Bureau," and the chief officer thereof shall be the "Auditor of Accounts." It shall revise, audit and settle all accounts in which the city is concerned as debtor or creditor; it shall keep an account of each claim for or against the Corporation, and of the sums allowed upon each, and certify the same, with the reasons for the allowance, to the Comptroller. The Comptroller shall report to the Common Council, once in ninety days, the name of every person in whose favor an account has been audited, with the decision of the Auditor upon the same, together with the final action of the Comptroller thereon. All moneys drawn from the city treasury shall be upon vouchers for the expenditure thereof, examined and allowed by the Auditor, and approved by the Comptroller and filed in his office.

§ 23. There shall be an executive department, which shall be denominated the "Street Department," which shall have cognizance of opening, altering, regulating, grading, flagging, curbing, guttering and lighting streets, roads, places and avenues; of building, repairing and lighting wharves and piers, the construction and repairing of public roads, the care of public buildings and places, and the filling up of sunken lots, under the ordinances of the Common Council. The chief officer thereof shall be called "Street Commissioner." There shall be a bureau in this department, the chief officer of which shall be



called the "Superintendent of Wharves." There shall also be a bureau in this department, to be denominated the "Bureau of Repairs and Supplies," which shall have cognizance of all repairs and supplies to public buildings, lands and places, and of all other necessary repairs and supplies not provided for in other departments, the chief officer thereof shall be a practical builder, and he shall be called the "Superintendent of Repairs and Supplies." There shall also be a bureau in this department, to be denominated the "Bureau of Lamps and Gas," the chief officer of which shall be called "Superintendent of Lamps and Gas." The Chief Engineer of the Fire Department shall have a bureau under the Street Department, and shall have charge of repairing fire engines and fire apparatus. There shall be a bureau in this department, the chief officer of which shall be called the "Superintendent of Roads." There shall be a bureau in this department for the collection of assessments, and the chief officer thereof shall be called the "Collector of Assessments." There shall be a bureau in this department for grading, flagging, curbing and guttering streets, the chief officer of which shall be called the "Superintendent of Street Improvements."

§ 24. There shall continue to be an executive department, under the denomination of the "Croton Aqueduct Board," which shall have charge of the Croton Aqueduct, and all structures and property connected with the supply and distribution of Croton water in the city of New York, and the under-ground drainage of the same; and the public sewers of said city, and permits for street vaults, and of paving, repaving and repairing streets, and digging and constructing wells; and the collection of the revenues



arising from the sale of the Croton water, with such other powers and duties as are or may be prescribed by law. The chief officers thereof shall be called the "President, Engineer and Assistant Commissioner," who, together shall form the Croton Aqueduct Board, and hold their offices for five years. There shall be a bureau in this department for the collection of the revenues derived from the sale of the water, and the chief officer thereof shall be called the "Water Registrar." There shall also be a bureau in this department for the laying of water pipes, and the construction and repairs of sewers, wells and hydrants; paving, repaving and repairing streets, the chief officer of which shall be called the "Water Purveyor."

§ 25. There shall continue to be an executive department known as the "Alms-house Department," which shall have cognizance of all matters relating to the Alms-house and Prisons of said city; the chief officers thereof shall be called the "Governors of the Alms-house;" they shall take and hold their offices as provided by the act entitled "An act to provide for the government of the Alms-house and Penitentiary in the city and county of New York," and be charged with the duties, powers and responsibilities prescribed by that act. All ordinary appropriations intended for the support and government of the Alms-house Department proposed by the Governors of the Alms-house, shall, before the same are finally made, be submitted by the governors to a Board consisting of the President of the Board of Aldermen, and the President of the Board of Councilmen, Mayor and Comptroller. If said Board approve of the appropriations, it shall immediately report the same to the Supervisors of the county of New York; if it shall disapprove of the same, it shall

return them with objections to the Governors of the Alms-house for their reconsideration; and in case the said governors shall, upon a reconsideration, adhere, by a vote of two thirds of all the governors then in office, to the original appropriations, they shall return them to the said Board, whose duty it shall be to report to the Supervisors. The Board of Education shall also submit, in like manner, all appropriations required by it, and said appropriations shall be subject to all the provisions of this section, so far as the same may be applicable.

§ 26. There shall be an executive department known as the "Law Department," which shall have the charge of, and conduct all the law business of the Corporation, and of the departments thereof, and all other law business in which the city shall be interested, when so ordered by the Corporation; and shall have the charge of and conduct the legal proceedings necessary in opening, widening or altering streets, and draw the leases, deeds and other papers connected with the Financial Department; and the chief officer thereof shall be called the "Counsel to the Corporation." There shall be a bureau in this department, the chief officer of which shall be denominated the "Corporation Attorney." There shall be also a bureau in this department, the chief officer of which shall be called the "Public Administrator."

§ 27. There shall be an executive department known as the "City Inspector's Department," the chief officer of which shall be the "City Inspector," and shall have cognizance of all matters affecting the public health, pursuant to the ordinances of the Common Council, and the lawful requirements of the Commissioners of Health and

of the Board of Health. There shall be a bureau in the City Inspector's Department, to be called the "Bureau of Sanitary Inspection and Street Cleaning," under the control of an officer named the "Superintendent of Sanitary Inspection," and who shall render such services as by ordinance may attach to said bureau, in cleaning the streets and in the abatement and removal of nuisances detrimental to the public health in said city. There shall also be a bureau in this department, to be known as the "Bureau of Records and Statistics," and which shall be under the direction of the Registrar of Records, and in which bureau shall be kept all records which may by law or ordinance be required to be kept in said department. The Coroners in and for the city and county of New York, shall make return to the City Inspector of all inquisitions taken by them in the said city and county, (excepting those charging homicide or felonious assault, which shall be filed with the Clerk of the Court of General Sessions.) There shall also be a bureau in this department for the inspection, regulation and management of the public markets, the chief officer of which shall be denominated "Superintendent of Markets." And it shall be the duty of the Croton Aqueduct Department at all times, to permit the City Inspector to order the hydrants to be used for cleansing the streets, provided that such use shall not endanger the general supply of the Croton water and shall be used under such regulations as the Croton Aqueduct Board may prescribe. The City Inspector shall, after the passage of this act, appoint such number of Inspectors and Sealers of Weights and Measures as now or may hereafter exist, and who shall succeed to all the powers and perform the duties, and receive compensation as now by law

prescribed, and shall hold office upon the same terms as chiefs of bureaux.

§ 28. It shall be lawful for the Common Council of said city to establish such other bureaux as they may deem the public interest may require, and to assign to them, and to the departments and bureaux herein created, such duties as they may direct, not inconsistent with this act, and the duties thereof shall be performed in accordance with the charter and laws and ordinances of the city; but no expense shall be incurred by any of the departments or officers thereof, whether the object of expenditure shall have been ordered by the Common Council or not, unless an appropriation shall have been previously made covering such expense. And no member of the Common Council, head of department, chief of bureau, deputy thereof, or clerk therein, or other officer of the Corporation, shall be directly or indirectly interested in any contract, work or business, or the sale of any article, the expense, price or consideration of which is paid from the city treasury, or by any assessment levied by any act or ordinance of the Common Council; nor in the purchase of any real estate, or other property belonging to the Corporation, or which shall be sold for taxes or assessments, or by virtue of legal process at the suit of the said Corporation.

§ 29. The Mayor, or either Board of Common Council, may at any time require the opinion in writing of the head of any department upon any subject relating to his department, or any information possessed by him in relation thereto. And every head of department shall report, in writing, to the Common Council, quarterly, the state of his department, with such suggestions in relation to the



improvement thereof, and to the public business connected therewith, as he may deem advisable.

§ 30. It shall be the duty of the Common Council to provide for the accountability of all officers and other persons to whom the receipt or expenditure of the funds of the city shall be intrusted, by requiring from them sufficient security for the performance of their duties or trust, which security shall be annually renewed; but the security first taken shall remain in force until new security shall be given.

§ 31. Annual and occasional appropriations shall be made by proper ordinances of the Common Council, for every branch and object of city expenditure; and no money shall be drawn from the city treasury except the same shall have been previously appropriated to the purpose for which it is drawn.

§ 32. Until the Common Council shall otherwise direct, the existing ordinances shall apply to the departments herein mentioned, so far as the same are applicable thereto, and not inconsistent with this act.

§ 33. The Common Council shall not have authority to borrow any sums of money whatever on the credit of the Corporation, except in anticipation of the revenue of the year in which such loan shall be made, unless authorized by a special act of the legislature.

§ 34. It shall be the duty of the Comptroller to publish, two months before the annual election of charter officers in each year, for the general information of the citizens of New York, a full and detailed statement of the



receipts and expenditures of the Corporation during the year ending on the first day of the month in which such publication is made; and in every such statement, the different sources of city revenue, and the amount received from each; the several appropriations made by the Common Council, the objects for which the same were made, and the amount of moneys expended under each; the moneys borrowed on the credit of the Corporation, the authority under which each loan was made, and the terms on which the same was obtained, shall be clearly and particularly specified.

§ 35. No tax or penalty shall hereafter be imposed upon or collected of any person, nor license required for selling or exposing for sale upon his, her or their own premises in said city, any wholesome article of food; nor for selling such articles in such parts of the streets of said city as may be designated by the Common Council for that purpose.

§ 36. The Clerk of the Board of Aldermen shall, by virtue of his office, be Clerk of the Common Council, and shall perform all the duties heretofore performed by the Clerk of the Common Council, except such as shall be assigned to the Clerk of the Board of Councilmen; and it shall be his duty to keep open for inspection, at all reasonable times, the records and minutes of the proceedings of the Common Council, except such as shall be specially ordered otherwise. The Clerk of each Board shall appoint, and may remove at pleasure, deputy clerks in his department, to the number authorized by ordinance. The Clerk of the Common Council shall keep the seal of the city; and his signature shall be necessary to all leases, grants, and other documents, as under existing laws.

§ 37. It shall be the duty of the Clerks of the respective Boards to publish all ordinances and amendments of ordinances which shall be passed, and also the proceedings, in the newspapers which may be employed by the Corporation, except such parts as may require secrecy; and whenever a vote shall be taken in either Board, upon the passage of an ordinance which shall contemplate any specific improvement, or involve the sale, disposition or appropriation of public property, or the expenditure of public moneys or income therefrom, or lay any tax or assessment, such ordinance shall, before the same shall be sent to the other Board, and immediately after the adjournment of the Board at which the same shall have been passed, be published with the yeas and nays, and with the names of the persons voting for and against the same, in the newspapers employed by the Corporation, as part of the proceedings; and no ordinance which shall have passed one Board shall be acted upon by the other Board on the same day, unless by unanimous consent, except in case of invasion, insurrection, riot or pestilence.

§ 38. All contracts to be made or let by authority of the Common Council, for work to be done or supplies to be furnished, and all sales of personal property in the custody of the several departments or bureaux, shall be made by the appropriate heads of departments, under such regulations as shall be established by ordinances of the Common Council. Whenever any work is necessary to be done to complete or perfect a particular job, or any supply is needful for any particular purpose, which work and job is to be undertaken or supply furnished for the Corporation, and the several parts of the said work or supply

shall together involve the expenditure of more than two hundred and fifty dollars, the same shall be by contract, under such regulations concerning it as shall be established by ordinance of the Common Council, unless by a vote of three fourths of the members elected to each Board, it shall be ordered otherwise; and all contracts shall be entered into by the appropriate heads of departments, and shall be founded on sealed bids or proposals, made in compliance with public notice advertised in such of the newspapers of the city as may be employed by the Corporation for the purpose; said notice to be published for at least ten days in each of the daily newspapers so employed; and all such contracts, when given, shall be given to the lowest bidder, the terms of whose contract shall be settled by the Corporation Counsel as an act of preliminary specification to the bid or proposal, and who shall give security for the faithful performance of his contract, in the manner prescribed and required by ordinance; and the adequacy and sufficiency of this security shall, in addition to the justification and acknowledgment, be approved by the Comptroller. All bids or proposals shall be publicly opened by the officers for advertising the same, and in the presence of the Comptroller. If the lowest bidder shall neglect or refuse to accept the contract within forty-eight hours after written notice that the same has been awarded to his bid or proposal, it shall be readvertised and relet as above provided. All property sold under the authority of the Common Council shall be sold at auction, after previous public notice, under the superintendence of the appropriate head of department. Every contract, when made and entered into as before provided for, shall be executed in duplicate, and shall be filed in the Department

of Finance; a receipt for each payment made on account of, or in satisfaction of, the same, shall be indorsed on the said contract by the party receiving the warrant, which warrant shall be only given to the person interested in such contract, or his authorized representative. The proceeds of all sales made under and by virtue of this section, shall be, by the officer receiving the same, immediately deposited with the City Chamberlain, and the account of sales, verified by the officer making the sale, shall be immediately filed in the office of the Comptroller. No expenditure for work or supplies, involving an amount for which no contract is required, shall be made, except the necessity therefor be certified to by the head of the appropriate department, and the expenditure be authorized by the Common Council.

§ 39. Every person elected or appointed to any office under the city government, shall on or before the first day of January next succeeding each election, or within five days after notice of such appointment, take and subscribe an oath or affirmation, faithfully to perform the duties of his office; which oath or affirmation shall be filed in the Mayor's office.

§ 40. Any officer of the city government, or person employed in its service, who shall wilfully violate or evade any of the provisions of this charter, or commit any fraud upon the city, or convert any of the public property to his own use, or knowingly permit any other person so to convert it, shall be deemed guilty of a misdemeanor, and, in addition to the penalties imposed by law, shall forfeit his office, and be excluded forever after from receiving or holding any office under the city charter; and any per-

son who shall wilfully swear falsely in any oath or affirmation required by this act, shall be guilty of perjury.

§ 41. All ferries, docks, piers and slips shall be leased; and all sales of public property and franchises (other than grants of land under water, to which the owners of the upland have a pre-emptive right) shall be made by public auction, and to the highest bidder who will give adequate security. No lease hereafter given (except as the same may be required by covenants of the Corporation already existing,) shall be for a longer period than ten years, and all ferry leases shall be revocable by the Common Council for mismanagement or neglect to provide adequate accommodations. All persons acquiring any ferry lease or other franchise or grant under the provisions of this act, shall be required to purchase, at a fair appraised valuation, the boats, buildings and other property of the former lessees or grantees, actually necessary for the purposes of such ferry grant or franchise. Previous notice of all sales referred to in this section shall be given, under the direction of the Comptroller, in the newspapers employed by the Corporation, and for thirty days in each of the daily newspapers so employed.

§ 42. No money shall be expended by the Corporation for any celebration, procession or entertainment of any kind, or on any occasion, unless by the votes of three fourths of all the members elected to each Board of the Common Council.

§ 43. The Common Council are hereby authorized and directed to make all necessary arrangements for the conduct and regulation of all elections authorized under the provisions of this act, and in conformity, as far as may



be, to the general election laws, except as herein otherwise provided.

§ 44. No officer under this charter, except the Collector of City Revenue, Collector of Assessments, Clerk of Arrears, Counsel to the Corporation, or Inspector of Vessels, shall have or receive from the Corporation or city treasury, any perquisites or any compensation or commission for his services, except a salary, except that the City Inspector may receive to his own use such portion of the fees allowed for the recording births and marriages, as are or may be prescribed by law. The salaries of all officers provided for by this act, or that may be created by the Common Council in pursuance of this act, shall be prescribed by ordinance, to be passed by the Common Council, and approved as hereinbefore provided, for the approval of all ordinances, for raising and appropriating the money or disposing of the property of the city; and any fees that now are, or hereafter may be provided for any officer under this charter, except as aforesaid, shall, on the receipt thereof, be paid by such officer into the city treasury. No member of the Common Council shall receive any compensation for his services as such member.

§ 45. All officers or other persons to whom the receipts or expenditures of the city, or fees or funds payable into the city treasury, shall be intrusted, shall give sufficient security for the faithful performance of their duty in such form and amount as the Common Council may prescribe, which shall be annually renewed.

§ 46. No additional allowance, beyond the legal claim, under any contract with the Corporation or for any services on its account or in its employment, shall ever be allowed.

§ 47. No bid shall be accepted from, or contract award-

ed to, any person who is in arrears to the Corporation, upon debt or contract, or who is a defaulter, as surety or otherwise, upon any obligation to the Corporation.

§ 48. No Alderman shall hereafter sit or act as Judge of the Court of Oyer and Terminer, or in the Courts of General or Special Sessions in the city and county of New York; but this section shall not prevent his exercising the power of magistrate in the arrest, commitment or bailing of offenders, excepting that he cannot let to bail or discharge a person arrested or committed by another magistrate. Courts of Oyer and Terminer, in and for the city and county of New York, may be held by a Justice of the Supreme Court and the Court of General Sessions in and for the said city and county, by the Recorder or City Judge of the said city and county; of Special Sessions therein, by any two Police Justices of said city, and when either of the said courts shall be held as aforesaid, all the powers and jurisdiction appertaining by law to each of said courts, shall be possessed and exercised by the officer or officers holding the same.

§ 49. The grand jury of the county may present any officer other than Mayor, Counsel to the Corporation or Comptroller, created by or holding office under this charter, but only upon testimony from witnesses who are personally cognizant of the facts they testify to, and after the person so charged shall have had a reasonable opportunity to appear before said grand jury in person, in explanation thereof. This presentment may charge such officer with wilful and fraudulent omission of duty, or commission of any official act prohibited by law. It shall be filed with the clerk of the court to which the presentment is made. A copy shall be served upon the officer afore-

said, who shall be required to plead thereto as to an indictment. If he admit the charges of the presentment so filed and served, the court shall declare his office vacant. If he deny them, the said presentment shall be tried in the same manner as an indictment. If the jury convict him of any charge contained in the presentment, the court shall then declare his office vacant. The court shall order its declaration, if the person so presented shall be found guilty, to be entered on its minutes, and a copy thereof filed with the Clerk of the Common Council, and thereupon the said office shall become vacant, and the person so convicted shall forever be disqualified from holding any office, not elective, under the city charter.

§ 50. The city of New York shall be divided into seventeen aldermanic districts, as follows:

The first district shall consist of all that part of the city south of a line drawn from the Hudson river through the middle of Chambers street to the middle of Duane street, down the middle of Duane street to Rose street, down the middle of Rose street to Frankfort street, down the middle of Frankfort street to Pearl street, down the middle of Pearl street to Dover street, and down the middle of Dover street to the East river.

The second district shall be bounded southerly by the first district, then up the middle of Broadway from Chambers to Franklin street, down the centre of Franklin to Baxter street, up the centre of Baxter to Bayard street, through the centre of Bayard to Bowery, down the centre of Bowery to Catharine street, and down the centre of Catharine street to East river, and east by the river.

The third district shall be bounded southerly by the first district, then up the middle of Broadway from Chambers street to Spring street, through the middle of Spring street to Hudson river, and west by the river.

The fourth district shall be bounded southerly by the second district, then up the middle of Broadway from Franklin to Grand street, through the centre of Grand street to Clinton street, down the centre of Clinton street to East river, and east by the river.

The fifth district shall be bounded southerly by the third district then by a line drawn up the middle of Broadway from Spring street to Fourth street, thence through the centre of Fourth street to Christopher street, and through the centre of Christopher street to Hudson river, and west by the river.

The sixth district shall be bounded southerly by the fourth district, then by a line drawn up the middle of Broadway from Grand street to Houston street, then down the middle of Houston street to Clinton street, and down the middle of Clinton street to Grand street.

The seventh district shall be bounded southerly by the fifth district, then by a line drawn up the middle of Broadway from Fourth to Fourteenth street, and through the centre of Fourteenth street to Hudson river, and west by the river.

The eighth district shall be bounded south and east by the East river, on the west and north by a line drawn from the river up the middle of Clinton street to Houston street, and down the middle of Houston street to said river.

The ninth district shall be bounded southerly by the sev-

enth district, and then by a line drawn through the middle of Sixth avenue, from Fourteenth street to Twenty-sixth street, and through the centre of Twenty-sixth street to Hudson river, and west by the river.

The tenth district shall be bounded on the south by the sixth district, thence by a line drawn through the middle of Broadway from Houston street to Fourteenth street, down the middle of Fourteenth street to Avenue A, and down the middle of Avenue A to Houston street.

The eleventh district shall be bounded southerly by the ninth district, thence by a line drawn through the middle of Sixth avenue from Twenty-sixth street to Fortieth street, and through the centre of Fortieth street to Hudson river, and west by the river.

The twelfth district shall be bounded southerly by the middle of Houston street, thence by a line drawn up the middle of Avenue A from Houston street to Fourteenth street, and down the middle of Fourteenth street to the East river, and east by said river.

The thirteenth district shall be formed of the territory now known as the Twenty second Ward.

The fourteenth district shall be bounded by a line commencing at the intersection of Fourteenth street with the East river, thence through the centre of Fourteenth street to the Sixth avenue, thence through the centre of Sixth avenue to Twenty-sixth street, and thence through the centre of Twenty-sixth street to the East river, and easterly by the river.

The fifteenth district shall be bounded southerly by the fourteenth district, thence through the centre of Sixth avenue from Twenty-sixth street to Fortieth street, thence



through the centre of Fortieth street to the East river, and easterly by said river.

The sixteenth district shall comprehend the territory now known as the Nineteenth Ward.

The seventeenth district shall comprehend the territory now known as the Twelfth Ward, being that portion of the city of New York north of the centre of Eighty-sixth street.

§ 51. The Mayor, Aldermen and Councilmen, provided for in this act, shall be elected at the first election for charter officers, to be held after the passage hereof, which election shall take place on the first Tuesday of December, eighteen hundred and fifty-seven; all persons who shall have been elected under former laws regulating or affecting the election of charter officers, and shall be in office at the time of the passage of this act, shall continue in office until the officers elected under this act shall take office, and no longer, except that the offices of Commissioner of Repairs and Supplies and of Commissioner of Streets and Lamps, are hereby abolished, and except that the persons now filling the several offices of Comptroller, Counsel to the Corporation, Street Commissioner and City Inspector, and the officers of the Croton Aqueduct Department, shall continue in office until the expiration of their several terms, and shall not be removed from office during such continuance, except for the cause and in the manner provided for in sections 20 and 49 of this act, and all other charter officers, and all school officers, and each governor of the Alms-house, whose term of office may expire with the present municipal year, shall be also elected on the day before provided for by this section.

§ 52. Every person who shall promise, offer or give, or cause, or aid, or abet, in causing to be promised, offered, or given, or furnish, or agree to furnish, in whole or in part, to be promised, offered or given to any member of the Common Council, or any officer of the Corporation, after his election as such member, or before or after he shall have qualified and taken his seat, any moneys, goods, right in action or other property, or any thing of value, or any pecuniary advantage, present or prospective, with intent to influence his vote, opinion, judgment or action on any question, matter, cause or proceeding which may be then pending, or may, by law, be brought before him in his official capacity, shall, upon conviction, be imprisoned in a penitentiary for a term not exceeding two years, or shall be fined not exceeding five thousand dollars, or both, in the discretion of the court. Every officer in this section enumerated, who shall accept any such gift or promise or undertaking, to make the same, under any agreement or undertaking that his vote, opinion, judgment or action shall be influenced thereby, or shall be given in any particular manner, or upon any particular side of any question, matter, cause or proceeding then pending, or which may by law be brought before him, in his official capacity, shall, upon conviction, be disqualified from holding any public office, trust or appointment, under the charter of the city of New York, and shall forfeit his office, and shall be punished by imprisonment in the penitentiary not exceeding two years, or by a fine not exceeding five thousand dollars, or both, in the discretion of the court. Every person offending against either of the provisions of this section, shall be a competent witness against any other person offending in the same transac-

tion, and may be compelled to appear and give evidence before any grand jury or in any court, in the same manner as other persons; but the testimony so given shall not be used in any prosecution or proceeding, civil or criminal, against the person so testifying.

§ 53. The annual election for charter officers, school officers and Governors of the Alms-house, after the year eighteen hundred and fifty-seven, shall be held on the first Tuesday in December, and the officers elected at the first election, as hereinbefore provided, and in each year thereafter, shall take office on the first Monday of January next succeeding. All the provisions of law now in force in regard to the notification, duration, conduct of election, and canvassing of votes at general elections, shall apply to the first election provided for herein, and to each annual election of charter officers, except that the returns of all elections provided for by this act, shall be filed by the district canvassers in the several districts with the Clerk of the Common Council, within twenty-four hours after the polls are closed; and the said returns shall be canvassed by the Board of Aldermen, sitting as a Board of City Canvassers. The Clerk of the Common Council shall be Clerk to the said Board of City Canvassers; and the said Board shall meet on the Thursday succeeding such election, and shall, within ten days thereafter, wholly complete such canvass, and file, within the same time, duplicate statements of the result in the respective offices of the Clerks of the Common Council and County Clerk. The Clerk of the Common Council, within five days succeeding the filing of the said statement, shall give to each person declared elected a certificate thereof.

§ 54. The act to amend the charter of the city of New York, passed April seventh, eighteen hundred and thirty,

and the act to amend the charter of the city of New York, passed April second, eighteen hundred and forty-nine, and the act to amend an act, entitled an act to amend the charter of the city of New York, passed April second, eighteen hundred and forty-nine, passed July eleventh, eighteen hundred and fifty-one; and the act further to amend the charter of the city of New York, passed April twelfth, eighteen hundred and fifty-three; and the act supplementary to an act entitled an act further to amend the charter of the city of New York, passed April twelfth, eighteen hundred and fifty-three; passed June fourteenth, eighteen hundred and fifty-three, are hereby repealed; and all laws inconsistent with this act are also hereby repealed; but the charter of the city of New York, known as the Dongan and Montgomerie charter, so far as the same, or either of them, are now in force, shall continue and remain in full force, and shall not be construed as repealed, modified, or in any manner affected thereby. This section shall not prejudice or affect any right accrued, or proceeding commenced before this act takes effect.

§ 55. This act shall take effect on the first day of May, one thousand eight hundred and fifty-seven.

STATE OF NEW YORK, }

*Secretary's Office.* } I have compared the proceeding with the original law on file in this office, and do hereby certify that the same is a correct transcript therefrom, and of the whole of said original law.

[L.S.]

Given under my hand and seal of office,  
at the city of Albany, this twentieth  
day of April, in the year one thousand  
eight hundred and fifty-seven.

N. P. STANTON,

*Dep. Secretary of State.*



## AN ACT

TO AMEND AN ACT ENTITLED "AN ACT FURTHER TO AMEND THE ACTS IN RELATION TO INSURANCES ON PROPERTY IN THIS STATE, MADE BY INDIVIDUALS AND ASSOCIATIONS, UNAUTHORIZED BY LAW," PASSED MARCH THIRTIETH, EIGHTEEN HUNDRED AND FORTY-NINE.

Passed April 16, 1857.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

§ 1. Sections one, two, three and four of an act entitled "An act further to amend the acts in relation to insurances on property in this state, made by individuals and associations unauthorized by law," passed March thirtieth, eighteen hundred and forty-nine, so far as the said sections are applicable to the city and county of New York, but no further, are hereby repealed, and the following ten sections are substituted therefor. Provided, however, that any corporation or association, created by or organized under the laws of any government other than the states of this Union, and having assets, funds or capital, not less in amount than three hundred thousand dollars, invested in this state, shall be liable to taxation upon such assets, fund or invested capital, as the same is levied or assessed yearly by law, which tax shall be paid as follows: such amount thereof as would be equal to two per cent. upon its gross premiums, received for insurances upon property in the city of New York shall be paid annually, as herein before provided, to the treasurer of the Fire Department of the city of New York, and the



residue of said tax, requisite to make up the full amount of taxation upon its capital, as herein before provided, shall be paid to the Mayor, Aldermen and Commonalty of the city of New York, as in the case of ordinary taxation, and the payments so made as aforesaid, shall exempt such corporation or association making the same, from any and all further taxation upon its premiums, capital or assets, and whenever such capital shall be reduced below said sum of three hundred thousand dollars, or withdrawn entirely, then, and in either event, such corporation or association shall be liable to pay the tax upon its premiums, as heretofore provided in this act.

§ 1. There shall be paid to the treasurer of the Fire Department of the city of New York, for the use and benefit of said Fire Department, on the first day of February in each year, by every person who shall act, in the city and county of New York, as agent for or on behalf of any individual, or association of individuals, not incorporated by the laws of this state, to effect insurances against losses or injury by fire in the city and county of New York, although such individuals or association may be incorporated for that purpose by any other state or country, the sum of two dollars upon the hundred dollars, and at that rate upon the amount of all premiums which, during the year ending on the next preceding first day of September, shall have been received by such agent or person, or received by any other person for him, or shall have been agreed to be paid for any insurance against loss or injury by fire in the city and county of New York, effected, or agreed to be effected or promised by him as such agent.

§ 2. Every person who shall act in the city and county

of New York as agent as aforesaid, shall, on the first day of February in each year, render to the said treasurer of the Fire Department, a just and true account, verified by his oath, of all such premiums which, during the year ending on the first day of September preceding, shall have been received by him, or by any person for him, or which shall have been agreed to be paid for any such insurance effected, or agreed to be effected or promised by him.

§ 3. No person shall, as agent or otherwise, effect, or agree to effect, or procure to be effected, any insurance upon which the duty above-mentioned is required to be paid, until he shall have executed and delivered to the said treasurer an undertaking under seal to the Fire Department of the city of New York, with such sureties as the said treasurer shall approve, that he will annually render to the said treasurer, on the first day of February in each year, a just and true account, verified by his oath, of all such premiums which, during the year ending on the first day of September preceding, shall have been received by him, or by any person for him, or which shall have been agreed to be paid for any such insurance, effected, or agreed to be effected or promised by him, and that he will annually, on the first day of February in each year, pay to the said treasurer, two dollars upon every hundred dollars, and at that rate upon the amount of such premiums.

§ 4. Whenever, by reason of the failure of the sureties, or either of them, or for any other cause, an undertaking, given under the last preceding section, shall, or may be, deemed insufficient by the said treasurer, to secure a return of the account, and the payment of the duty aforesaid, or either of them, the said treasurer, at his election, but not

oftener than once in each year, may require such undertaking to be renewed.

§ 5. Every person who shall effect, agree to effect, promise or procure any insurance mentioned in the first four sections of the said act as hereby amended, without having executed and delivered the undertaking required by the third section of said act as hereby amended, shall, for each offence, forfeit one thousand dollars for the use of the said Fire Department; and every person who shall have been required by the said treasurer to renew his undertaking, pursuant to the fourth section of said act, as hereby amended, who shall effect, agree to effect, promise or procure any such insurance without having executed and delivered the renewed undertaking, required by said last-mentioned fourth section, shall, for each offence, forfeit one thousand dollars for the use of the said Fire Department.

§ 6. It shall be lawful for the said treasurer of the Fire-Department, on or after the first day of February in each year, by written or printed demand, signed by him, to require from every person who shall act, in the city and county of New York, as agent as aforesaid, the account provided for in the second section of said act, as hereby amended, and payment of the duty provided for in the first section thereof, such demand may be delivered personally to such agent, or at his office or place of business, to any person having charge thereof, or at his residence, to any person of suitable age, and every such agent who shall, for ten days after such demand, neglect to render the account, or to pay the duty demanded, or either of them, shall forfeit fifty dollars, for the use of the said Fire Department;

and he shall also forfeit for their use, twenty-five dollars in addition for every day that he shall so neglect, after the expiration of said ten days, and such additional penalty may be computed and recovered up to the time of the trial of any suit for the recovery thereof.

§ 7. Every person who shall act in the city and county of New York as agent, as aforesaid, shall, on the first day of February, in each year, or within ten days thereafter, and as often in each year as he shall change his place of business in the said city, report in writing, under his proper signature, to the Comptroller of the state, and also to the treasurer of the said Fire Department, the street and the number thereof, in the said city, of his place of business as such agent, designating in such report the individual or individuals, and association or associations for which he shall be such agent, and in case of default in any of these particulars, such person shall forfeit, for every offence, the sum of one thousand dollars, for the use of the said Fire Department.

§ 8. The duty provided to be paid by the first section of said act as hereby amended, the damages for any breach of the undertakings, or either of them, provided for in the third and fourth sections thereof, and the pecuniary penalties imposed by said act as hereby amended, or any or either of them, may be sued for and recovered with costs of suit in any court of record within this state by the Fire Department of the city of New York, in their own name and to their own use.

§ 9. The defendant, in any action to be brought for the recovery of any penalty incurred, or any duty or sum of money payable under said act as hereby amended, may be



arrested, if he is not a resident of this state, or is about to remove therefrom; an order for the arrest of the defendant must be obtained from a judge of the court in which the action is brought, or from a county judge. The order shall be made when it shall appear to the judge, by affidavit, that a sufficient cause of action exists under said act as hereby amended, and that the defendant is not a resident of this state, or is about to remove therefrom.

§ 10. The provisions of chapter one of title seven of an act entitled "An act to amend the act entitled an act entitled to simplify and abridge the practice, pleadings and proceedings of the courts of this state," passed April twelfth, eighteen hundred and forty-eight, passed April eleventh, eighteen hundred and forty-nine, and which chapter is entitled "Arrest and Bail," from and including section one hundred and eighty-two, to the end of said chapter, shall apply to any arrest under the ninth section of said act as hereby amended, and to the proceedings thereupon.

§ 2. The repeal of the first section of this act shall not affect any prosecution or action commenced, or penalty, duty or liability incurred, or cause of action accrued prior to the passage of this act; but every such action or prosecution may lawfully proceed, and every such penalty, duty or liability may be demanded and recovered as if the sections one, two, three and four, repealed as aforesaid, had remained in full force.

STATE OF NEW YORK, {

*Secretary's Office.* }

I have compared the preceding with the original law on file in this office, and do hereby



certify that the same is a correct transcript therefrom, and of the whole of said original law.

Given under my hand and seal of office, at  
the city of Albany, this sixteenth day of  
[L. s.] April, eighteen hundred and fifty-seven.

(Signed) N. P. STANTON,  
*Dep. Secretary of State.*

This law takes effect on 6th May, 1857.

## AN ACT

TO AMEND AN ACT ENTITLED "AN ACT TO ALTER THE MAP OF THE CITY OF NEW YORK, BY LAYING OUT THEREON A PUBLIC PLACE, AND TO AUTHORIZE THE TAKING OF THE SAME," PASSED JULY 21, 1853.

Passed February 13, 1857, by a two third vote.

*The People of the State of New York, represented in Senate and Assembly do enact as follows:*

§ 1. The seventh section of this act, entitled "An act to alter the map of the city of New York, by laying out thereon a public place, and to authorize the taking of the same," passed July twenty-one, eighteen hundred and fifty-three, is hereby amended so as to read as follows:

§ 7. For the payment of so much of the damages awarded by the Commissioners of Estimate and Assessment, and the expenses, disbursements and charges in the premises, as shall exceed the amounts or sums that may be assessed by the said commissioners upon the parties and persons, lands and tenements deemed by them benefited by the opening of such public square or place, it shall be lawful for the said Mayor, Aldermen and Commonalty to raise the amount of such excess by loan, by the creation of a public fund or stock, to be called "The Central Park Fund," which shall bear an interest, not exceeding six per centum per annum, and shall be redeemable within a period of time not exceeding forty-five years after the passage of this act; and for the payment of which the said piece of land, so aforesaid to be taken, shall be irrevocably pledged.

§ 2. The ninth section of the same act is hereby amended so as to read as follows, viz:

§ 9. In order to pay the interest on the debt created, on account of the acquisition of lands for the Central Park, the Mayor, Recorder and Aldermen of the city and county of New York, as the Supervisors thereof, are hereby authorized and empowered to order and cause to be raised by tax on the estates, real and personal, subject to taxation according to law, within said city and county, and to be collected in addition to the ordinary taxes, yearly and every year, until the whole amount of the debt be paid, a sum of money sufficient to pay interest accruing on the stock heretofore issued, and on the stock issued after the passage of this amendment, and also the interest accrued and hereafter to accrue on the several awards, and the mortgages assumed by the Corporation in paying said awards.

§ 3. This act shall take effect immediately.

STATE OF NEW YORK, }

*Secretary's Office.* } I have compared the preceding with the original law on file in this office, and do hereby certify that the same is a correct transcript therefrom and of the whole of said original law.

[L. s.] Given under my hand and seal of office,  
at the city of Albany, this twenty-fifth  
day of March, in the year one thousand  
eight hundred and fifty-seven.

N. P. STANTON,

*Dep. Sec. of State.*

## AN ACT

TO ALTER OR AMEND THE MAP OR PLAN OF THE CITY OF NEW YORK, SO AS TO CLOSE BLOOMINGDALE SQUARE IN SAID CITY OF NEW YORK.

Passed March 6, 1857, three fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

§ 1. All that certain piece, parcel, or plot of land, situate, lying and being between Fifty third and Fifty-seventh streets, and the Eighth and Ninth avenues, and called Bloomingdale square, as laid down and designated on the map or plan of the city of New York, made by the commissioners appointed in and by the act entitled "An Act relative to improvements touching the laying out of streets and roads in the city of New York, and for other purposes," passed April third, one thousand eight hundred and seven, is hereby closed and discontinued on said map or plan of said city of New York.

§ 2. Fifty-fourth, Fifty-fifth, and Fifty-sixth streets, as they are laid down and designated on the said map or plan of the city of New York, shall be respectively continued and extended over and through the said plot of land called Bloomingdale square, from the westerly side of the Eighth avenue to the easterly side of the Ninth avenue, and the said map or plan is hereby altered accordingly. The said streets shall be so continued in like manner, and with the like effect as if the same had been thus laid out by the commissioners aforesaid.

§ 3. This act shall take effect immediately.

STATE OF NEW YORK, }

*Secretary's Office.* } I have compared the preceding  
with the original law on file in this office, and do hereby  
certify that the same is a correct transcript therefrom and  
of the whole of said original law.

[L. S.]

Given under my hand and seal of office,  
at the city of Albany, this twenty fifth  
day of March, in the year one thou-  
sand-eight hundred and fifty-seven.

N. P. STANTON,

*Dep. Secretary of State.*



## AN ACT

TO AMEND AN ACT ENTITLED "AN ACT TO AUTHORIZE THE MAYOR, ALDERMEN, AND COMMONALTY OF THE CITY OF NEW YORK TO BORROW FIVE HUNDRED THOUSAND DOLLARS, FOR THE PURPOSE OF BUILDING A NEW RESERVOIR, PURCHASING LANDS AND EXTENDING THE CROTON WATER WORKS," PASSED APRIL 17, 1854, AND TO ENABLE THE SAID CORPORATION TO BORROW, FOR THE SAME PURPOSE, THE FURTHER SUM OF ONE MILLION FOUR HUNDRED AND EIGHT THOUSAND DOLLARS.

Passed February 13, 1857, three fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

§ 1. It shall be lawful for the Mayor, Aldermen and Commonalty of the city of New York, to borrow and raise by loan from time to time, and in such amounts as they shall deem advisable, a sum not exceeding the sum of five hundred thousand dollars, by the creation and issuing of a public fund or stock, to be called the Water Stock of the city of New York, of the year eighteen hundred and fifty-four, which shall bear an interest not exceeding six per cent. per annum, and shall be redeemable in the year one thousand eight hundred and seventy-five.

§ 2. The Mayor, Aldermen and Commonalty of the city of New York, are hereby authorized to borrow, from time to time, such sums as may be required for purchasing land and constructing the new reservoir, a sum equal to one million four hundred and eight thousand dollars, in

addition to the sum of five hundred thousand dollars authorized by the first section of this act, at an interest not exceeding six per cent. per annum, and the principal reimbursable in the year one thousand eight hundred and seventy-five.

§ 3. Section one of the act hereby amended is repealed.

§ 4. This act shall take effect immediately.

STATE OF NEW YORK, }  
Secretary's Office. }

I have compared the preceding with the original law on file in this office, and do hereby certify that the same is a correct transcript therefrom and of the whole of said original law.

Given under my hand and seal of office,  
at the city of Albany, this twenty-fifth  
{L. S.} day of March, in the year one thousand eight hundred and fifty-seven.

N. P. STANTON,

*Dep. Secretary of State.*

## AN ACT

FOR THE REGULATION AND GOVERNMENT OF THE CENTRAL  
PARK, IN THE CITY OF NEW YORK.

Passed April 17th, 1857, three fifths being present.

*The People of the State of New York, represented in Senate  
and Assembly, do enact as follows:*

§ 1. So much of that piece or parcel of land, bounded southerly by Fifty-ninth street, easterly by the Fifth avenue, northerly by One hundred and sixth street, and westerly by the Eighth avenue, in the city of New York, as has been taken for a public place, confirmed by an order of the Supreme Court, bearing date the fifth day of February, in the year one thousand eight hundred and fifty-six, shall hereafter be known and entitled as, "The Central Park," excepting out of said Central Park the land belonging to the state of New York, and occupied by and connected with the arsenal, unless the city of New York shall acquire title thereto.

§ 2. The said park shall be under the exclusive control and management of a Board of Commissioners, to consist of eleven persons, who shall be named and styled "The Commissioners of the Central Park." Three members shall constitute a quorum of the Board for the transaction of business; but no action of the Board shall be deemed final or binding, unless it shall have received the approval of a majority of the Board, whose names shall be recorded in the minutes.

§ 3. Robert J. Dillon, James E. Cooley, Charles H.

Russell, John F. Butterworth, John A. C. Gray, Waldo Hutchings, Thomas E. Field, Andrew H. Greene, Charles W. Elliott, William K. Strong and James Hogg, are hereby continued and constituted the first Board of Commissioners. They shall hold their office for five years, and shall receive no compensation for their services; each Commissioner shall nevertheless be entitled to be reimbursed the amount of his personal expenses in visiting and superintending the said park, not exceeding the sum of three hundred dollars per annum. In case of a vacancy, the same shall be filled by the remaining members of the Board, for the residue of the term then vacant, and all vacancies caused by expiration of terms of office, or neglect or incapacity of qualification, shall be filled by the Mayor, by and with the advice and consent of the Board of Aldermen.

§ 4. The said Board shall have the full and exclusive power to govern, manage and direct the said Central Park; to lay out and regulate the same; to pass ordinances for the regulation and government thereof; to appoint such engineers, surveyors, clerks and other officers, except a police force, as may be necessary; to prescribe and define their respective duties and authority; fix the amount of their compensation; and generally in regard to said park, they shall possess all the power and authority now by law conferred or possessed by the Common Council of said city in respect to the public squares and places in said city.

§ 5. It shall be a misdemeanor for any commissioner, directly or indirectly, to be in any way interested in any contract or work of any kind whatever connected with

said park; and it shall be the duty of any commissioner, or other person, who may have any knowledge or information of the violation of this provision, forthwith to report the same to the Mayor, who shall here such commissioner in regard thereto; and if, after such hearing, he shall be satisfied of the truth thereof, the Mayor shall immediately remove the commissioner so offending. Every commissioner shall, before entering upon the duties of his office, take and subscribe the oath prescribed by the constitution of this state, which oath, when subscribed, shall be filed in the office of the clerk of the city and county of New York.

§ 6. The said Board shall, annually, and in the month of January in each year, make to the Common Council of the said city, a full report of their proceedings, and a detailed statement of all their receipts and expenditures.

§ 7. It shall be lawful for the commissioners to let, from year to year, any buildings, and the grounds attached thereto, belonging to the city of New York, now being within said park, until the same shall be required for the laying out and regulation thereof, when the said buildings shall be removed, except such as may be used for the purposes of the park.

§ 8. It shall be lawful for the said commissioners to sell any buildings, improvements and other materials now being within the said park, being the property of the city of New York, which, in their judgment, shall not be required for the purposes of the park, or for public use, the proceeds of which shall be deposited to the credit of the commissioners, and devoted to the improvement of the park.



§ 9. No plan for the laying out, regulation and government of said park, shall be adopted or undertaken by the commissioners, of which the entire expense, when funded, shall require for the payment of the annual interest thereon, a greater sum than one hundred thousand dollars per annum.

§ 10. The Mayor, Aldermen and Commonalty of the city of New York shall, from time to time, create and issue a public fund or stock, to be denominated "The Central Park Improvement Fund," in such sums of money as shall be required by the said Board of Commissioners, for the purposes of this act, subject to the limitations prescribed by the preceding ninth section hereof; all the provisions of the act entitled "An act to regulate the finances of the city of New York, passed June eighth, eighteen hundred and twelve," so far as the same may be applicable, shall apply to the stock or fund thus created: such stock or fund shall be redeemable in thirty years from the issuing thereof: and the said park shall be and the same is hereby specifically pledged for the redemption thereof.

§ 11. For the payment of the interest upon the said stock or funds, the Board of Supervisors of the city and county of New York, shall order and cause to be raised, by tax on the estates real and personal, subject to taxation, according to law, within said city and county, and to be collected in addition to the ordinary taxes, yearly, and every year, until the whole amount of such fund or stock be paid, a sum of money sufficient to pay the interest annually accruing on said stock or fund, not exceeding the aforesaid limitation of one hundred thousand dollars per annum.

§ 12. The moneys raised upon the fund or stock hereby authorized shall be deposited, as fast as the same shall be realized, by the said Mayor, Aldermen and Commonalty, to the credit of the said Board of Commissioners, with the New York Life Insurance and Trust Company, or with the United States Trust Company, of New York, or with a bank or banks, as either shall be designated by said Board. Such company, or bank or banks, shall allow interest upon such deposits as may be agreed upon with said Board, and shall open and keep an account with said Board. All moneys received by said commissioners shall be immediately deposited with such company or bank, to the credit of their account, and no moneys shall be drawn therefrom except upon a warrant, signed by at least a majority of commissioners, and countersigned by the Comptroller of the city, upon filing with him the receipt or other vouchers therefor; nor shall such moneys be drawn therefrom unless the same shall have been specifically authorized by the said Board, at a meeting thereof duly convened, and entered at length on their minutes.

§ 13. It shall be lawful for the said Board of Commissioners to agree with the Croton Aqueduct Board of the city of New York, for an exchange of lands belonging to the city of New York, now or hereafter in use for the Croton Aqueduct, and lying within the area bounded southerly by Fifty-ninth street; easterly by the Fifth avenue; northerly by One hundred and sixth street; and westerly by the Eighth avenue, in the city of New York; provided the same quantity of land, within the said area, be given in exchange, such deeds shall be executed and

delivered between the parties hereto, as shall give effect to any agreement made under this section.

§ 14. It shall be lawful for said Board of Commissioners, at any meeting thereof duly convened, to pass such ordinances as they may deem necessary for the regulation, use and government of said park, not inconsistent with the ordinances and regulations of the Corporation of New York; such ordinances shall immediately, upon their passage, be published for ten days in three daily newspapers published in said city, to be selected by said commissioners.

§ 15. All persons offending against such ordinances shall be deemed guilty of misdemeanors, and be punished, on conviction before the Mayor, Recorder or any magistrate of the city of New York, by a fine, not exceeding fifty dollars; and in default of payment, by imprisonment not exceeding thirty days.

§ 16. This act shall take effect immediately.

STATE OF NEW YORK, }  
Secretary's Office. } I have compared the preceding  
with the original law on file in this office and do hereby  
certify that the same is a correct transcript therefrom, and  
of the whole of said original law.

Given under my hand and seal of office, at  
the city of Albany, this twenty-first day  
[L. S.] of April, in the year one thousand eight  
hundred and fifty-seven.

N. P. STANTON,  
Dep. Sec. of State.

## AN ACT

TO PROVIDE A MORE CERTAIN CANVASS AND ESTIMATE OF  
VOTES AT EACH ELECTION IN THE CITIES OF NEW YORK  
AND BROOKLYN.

Chap. 294.—Passed April 7th, 1857, three fifths being  
present.

*The People of the State of New York, represented in Senate  
and Assembly, do enact as follows:*

§ 1. There shall be elected three district canvassers at every general election in the cities of New York and Brooklyn, in each election district therein, concurrently with, and in addition to, and in the same manner as inspectors of election are now elected, and under the same regulations and provisions, and vacancies in the office of district canvasser shall be filled and for the election in said cities next ensuing the passage of this act, the Common Councils of the said cities shall, by joint resolution, before the third Tuesday in October next, appoint, in each election district, the said three district canvassers.

§ 2. It is hereby made the duty of each district canvasser so elected or appointed, to attend at least thirty minutes before the closing of the poll in each election district, at the place of holding the poll, and for the district for which he has been elected or appointed, and the three district canvassers, or if only two attend, then the said two attending shall, with one of the inspectors, to be by them designated, then organize themselves as a board for the purpose of canvassing and estimating the votes, and shall choose one of their number as chairman, but shall have no clerk.



§ 3. If only one canvasser present himself at the closing of the poll, he shall, in connection with the inspectors of election, immediately fill the vacancies by choosing two competent persons who are citizens, and who shall be sworn by the chairman of the board that they are such citizens, and that they will faithfully canvass, estimate and state the result of the votes.

§ 4. If none of the duly appointed canvassers shall present themselves at the closing of the poll, then it shall be the duty of the inspectors of election to appoint three competent persons who are citizens, and who shall be sworn by the chairman of the board of inspectors as herein above provided. When the board of district canvassers, at the closing of the polls, shall be organized as aforesaid, the board of inspectors, conducting the election, shall deliver the ballot boxes and the poll lists to the said board of district canvassers, and the board of inspectors shall thereupon be dissolved. The board of district canvassers shall then immediately, without any adjournment or recess, and at the place of the poll, publicly proceed to canvass and estimate the votes in the manner and with the powers and duties now prescribed for and enjoined upon the inspectors of election. All the provisions of law now\* inspectors, shall be made applicable to the powers, acts and duties of the said district canvassers; and all other persons are prohibited from engaging in and assisting in the canvass and estimate of votes as aforesaid, except the poll clerks of each district, whose duty it shall be to afford and render such services as clerks, as the district canvassers shall require. All persons, inspectors and district canvassers offending



against this last provision shall be deemed guilty of a misdemeanor.

\* § 3. The required statement and copy thereof, of the result of the canvass, shall be made and subscribed in public, without adjournment or recess, at the place of election and canvass; and when they are so completed, ready for filing and delivery, shall be then and there forthwith inclosed in a strong wrapper and properly sealed and countersigned across the seal by the signature of each district canvasser, and the same shall thereupon be kept sealed and shall not be opened until the same are produced before the board of ward, city or county canvassers, when they shall be opened for the canvassing of the returns. Whenever any inspector of election of either board of inspectors, or any poll clerk, shall be a candidate for any office whatever, except for inspector or canvasser of election, at any election, his office, as inspector or as poll clerk, shall immediately become vacant unless he shall publicly have refused, within three days before the day of election, to be a candidate.

\* § 4. The clerks of the Board of Aldermen in said cities shall, between the third Tuesday of October in each year, and the Tuesday preceding the election, notify every inspector and district canvasser to attend, on any day before the day of holding the election, at the office of the county clerk, to take and subscribe the oath prescribed by the constitution. It shall be the duty of said clerks of the county to provide each election poll in the said cities with proper paper, blanks, stationery, sealing wax and lights, at the expense of the county, for the use of the inspectors and district canvassers.

§ 5. The compensation of each inspector of election, and of each district canvasser, shall be five dollars to each for his services at the election, which compensation shall be paid by the Comptroller of the said cities on the voucher for the service; but no payment shall be made to any inspector or district canvasser, who shall not have taken and subscribed the oath or affirmation referred to in the preceding section.

§ 6. The acting of any inspector or district canvasser, elected or appointed before the day of election, without his having taken or subscribed the oath or affirmation referred to aforesaid, shall be deemed to be and punished as a misdemeanor.

§ 7. It shall be the duty of the said Board of district canvassers to fully complete the estimate\* of the votes in each box in the order prescribed by law, and to make proclamation of the result, and to complete the returns, and certificates of the votes of the said box in the manner prescribed by this act, before proceeding to the estimate and canvass of the box or boxes, to be next thereafter canvassed.

§ 8. The names of inspectors of election and of district canvassers, voted for at any election, shall be upon one ballot. The names of the persons to be voted for inspectors, shall follow the proper designation of the office of inspectors to be filled, and next thereafter shall follow the names of the persons to be voted for district canvassers, and the said ballot shall be indorsed "inspectors of election," and district canvassers with the designation of the proper election district added.

## AN ACT

TO AMEND THE PILOT LAWS, PASSED JUNE TWENTY-EIGHTH,  
EIGHTEEN HUNDRED AND FIFTY-THREE.

Chap. 243—Passed April 3d, 1857.

*The People of the State of New York, represented in Senate  
and Assembly, do enact as follows:*

SEC. 1. Sections seventeen, twenty-one and twenty-nine, of the pilot laws, passed June twenty-eighth, eighteen hundred and fifty-three, are hereby amended so as to read as follows:

§ 17. For every day of detention in the harbor, of an outward bound vessel, after the services of a pilot have been required and given, except detention shall be caused by such adverse winds and weather that the vessel cannot get to sea; and for every day of detention of an inward bound vessel by ice, longer than two days for passage from sea to wharf, three dollars shall be added to the pilotage. If any pilot shall be detained at Quarantine or elsewhere, by the health officer, for being or having been on board a sickly vessel as pilot, the master, owner, or agent, or consignee of such vessel, shall pay to such pilot all necessary expenses of living, and three dollars per day for each and every day of such detention.

§ 21. For services rendered by pilots in moving or transporting vessels in the harbor of New York, the following shall be his fees. For moving from North to East river, or *vice versa*, if a seventy-four gun ship, twenty dollars; if a sloop of war, ten dollars; if a merchant ves-

sel, five dollars, except such vessel shall have arrived from sea, or is ready for and bound to sea, on the day such services for transportation are rendered; but if the services are rendered thereafter, such payment shall be made; for moving any vessel from the Quarantine to the city of New York, one quarter of the sum that would be due for the inward pilotage of such vessel; for hauling any vessel from the river to a wharf, or from a wharf into the river, three dollars, except on the day of arrival or departure of such vessel.

§ 29. No master of a vessel, under three hundred tons burthen, belonging to a citizen of the United States, and licensed and employed in the coasting trade, by the way of Sandy Hook, shall be required to employ a licensed pilot, but in case the services of a pilot shall have been given, the pilot shall be entitled to the rates established by the act of June twenty-eighth, eighteen hundred and fifty-three. If the master of any vessel above three hundred tons burthen, and owned by a citizen of the United States, and sailing under a coasting license to or from the port of New York, by the way of Sandy Hook, shall be desirous of piloting his own vessel, he shall first obtain a license for such purpose, from the Commissioners of Pilots, who are hereby authorized and required to grant the same, if such master shall, after an examination had by said commissioners, be deemed competent, which said license shall be and continue in force one year from the date thereof, or until the determination of any voyage, during which the license may expire. For such license, the master to whom it shall be granted, shall pay to the said commissioners four cents per ton. All masters of

foreign vessels, and vessels from a foreign port, and all vessels sailing under register, bound to or from the port of New York, by the way of Sandy Hook, shall take a licensed pilot, or in case of refusal to take such pilot, shall himself, owners or consignees, pay the said pilotage, as if one had been employed, and such pilotage shall be paid to the pilot first speaking or offering his services as pilot to such vessel.

Any person not holding a license as pilot, under this act, or under the laws of the state of New Jersey, who shall pilot, or offer to pilot, any ship or vessel to or from the port of New York, by the way of Sandy Hook, except such as are exempt by virtue of this act, or any master or person on board a steam tug or tow boat, who shall tow such vessel or vessels, without such licensed pilot on board such vessel or vessels, shall be deemed guilty of a misdemeanor, and on conviction shall be punished by a fine not exceeding one hundred dollars, or imprisonment not exceeding sixty days; and all persons employing a person to act as pilot, not holding a license under this act, or under the laws of the state of New Jersey, shall forfeit and pay to the Board of Commissioners of Pilots, the sum of one hundred dollars.

§ 2. The provisions of this act shall not apply to vessels propelled wholly or in part by steam, owned or belonging to citizens of the United States, and licensed and engaged in the country trade.



## AN ACT

IN RELATION TO THE MARINE COURT IN THE CITY OF  
NEW YORK.

Chapter 295.—Passed April 7, 1857, three fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

§ 1. Hereafter all summonses issuing out of the Marine Court of the city of New York, may be served by the sheriff of the city and county of New York, or by any other person not a party to the action; the service shall be made and the summons returned, with proof of the service, to the clerk of said court, within the time now prescribed by law, for the service and return of summonses in said court; all other process issuing out of said court, shall be directed to, and served by, the sheriff of the city and county of New York.

§ 2. The same fees shall be paid for the service of any summons or other process issuing out of said Marine Court, as are now required to be paid for the service of the same.

§ 3. When the summons shall be served by any other person than the sheriff of the city and county of New York, the like affidavit of such service, shall be made by the person making the same, as is now required by the rules of the Supreme Court of this state.

§ 4. The plaintiff in the action shall cause to be served with the summons, a copy of his complaint, which com.

plaint shall be duly verified, and shall state the amount for which he demands judgment; and if the defendant shall fail to answer on the return of said summons, and the action be upon contract, the clerk of the said court, or one of the justices thereof, shall render judgment against the said defendant for the amount demanded in said complaint, together with costs.

§ 5. On the return of said summons, if the defendant shall appear, he shall put in a written answer to the complaint, duly verified. The clerk may, thereupon, adjourn the cause, by consent of parties, to any day they may designate.

§ 6. There may be appointed by the clerk of said court a deputy clerk and two assistant clerks, who shall hold their office at the pleasure of said clerk. The deputy clerk shall perform all the duties of the clerk during his absence or inability to act. The said deputy and assistant clerks shall receive an annual compensation, to be fixed by the Supervisors of the city and county of New York.

§ 7. At the time of issuing any summons, attachment or warrant, the party applying therefor shall pay to the said clerk the sum of one dollar; and, if a trial shall be had in the action so commenced, the plaintiff therein shall pay to the said clerk an additional sum of two dollars and fifty cents, which said sums shall be received in lieu of all other fees now required by law to be paid the said clerk.

§ 8. All acts or parts of acts inconsistent with the provisions of this act, are hereby repealed.

§ 9. This act shall take effect immediately.

STATE OF NEW YORK, }

*Secretary's Office.* }

I have compared the preceding (chapters 243, 294 and 295) with the original laws on file in this office, and do hereby certify the same to be a correct transcript therefrom, and of the whole of said original laws.

[L.S.]      Given under my hand and seal of office, at the city of Albany, the tenth day of April, in the year one thousand eight hundred and fifty-seven.

N. P. STANTON,

*Dep. Secretary of State.*

## AN ACT

IN RELATION TO THE SALARIES OF THE OFFICERS OF THE CROTON AQUEDUCT BOARD IN THE CITY OF NEW YORK.

Passed February 17, 1857; two thirds being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SEC. 1. The Common Council of the city of New York may, if they deem it expedient, increase the salaries of the present officers or Commissioners forming the Croton Aqueduct Board of said city, for their present term of office.

§ 2. This act shall take effect immediately.

STATE OF NEW YORK, }  
Secretary's Office. } I have compared the preceding  
with the original law on file in this office, and do hereby  
certify that the same is a correct transcript therefrom and  
of the whole of said original law.

[L.S.]      Given under my hand and seal of office, at the  
city of Albany, this 25th day of March, in the  
year one thousand eight hundred and fifty-  
seven.

N. P. STANTON,  
*Dep. Secretary of State.*

## AN ACT

TO ENABLE THE SUPERVISORS OF THE CITY AND COUNTY OF  
NEW YORK TO RAISE MONEY BY TAX.

Passed March 5, 1857; three fifths being present.

*The People of the State of New York, represented in Senate  
and Assembly, do enact as follows:*

SEC 1. The Board of Supervisors of the city and county of New York are hereby empowered, as soon as conveniently may be, after the passage of this act, to order and to cause to be raised by tax, on the estates, real and personal, subject to taxation, according to law, a sum not exceeding three million six hundred and twelve thousand six hundred and eighty-two dollars, for the objects and purposes following, to wit:

Alms-house, eight hundred and forty-three thousand eight hundred dollars.

Aqueduct, repairs and improvements, forty-five thousand dollars.

Belgian pavement, fifty thousand dollars.

Board of Health, ten thousand dollars.

Construction of Twenty-first Ward Station-house, ten thousand dollars.

Contingencies Common Council, fifteen thousand dollars.

Contingencies, Mayor's Office, three thousand dollars.

City Contingencies, eighty thousand dollars.

County Contingencies, forty thousand dollars.

City Inspector's Department, eight thousand nine hundred and fifty dollars.



Coroners' fees, twenty thousand dollars.

Common Council, pay of members, thirty-one thousand four hundred and eighty-eight dollars.

Cleaning streets, under contract, and pay of inspectors, two hundred and fifty thousand dollars.

Docks and piers, building and repairing, and cleaning and dredging slips, one hundred and seventy-five thousand dollars.

Donations, fifteen thousand dollars.

Election expenses, twenty thousand dollars.

Election expenses, fitting up polls, five hundred dollars.

Errors and delinquencies five thousand dollars.

Fire Department, for Chief Engineer, seventy-two thousand seven hundred and thirty-two dollars.

Fire Department, steam fire engines, nineteen thousand five hundred dollars.

Interest on Revenue Bonds, two hundred and ninety-five thousand dollars.

Interest on Assessment Bonds, seventy-five thousand dollars.

Intestate estates, three thousand dollars.

Iron pavements, one hundred and twenty-five thousand dollars.

Lamps and gas, Harlem district, thirty-five thousand dollars.

Lands and places, twenty-five thousand dollars.

Lands and places, Fourth avenue parks, thirty thousand dollars.

Lands and places, iron railing round Tompkins square, twenty-five thousand dollars.

Markets, seven thousand dollars.

Mayoralty fees, one hundred and fifty dollars.

Officers' fees, forty thousand dollars.

Paving Bowery and Chatham streets, one hundred thousand dollars.

Police and fire telegraph, fifteen thousand six hundred and eighty dollars.

Printing, eighty-five thousand dollars.

Parapet wall, Fiftieth street, between Lexington and Fourth avenues, six thousand dollars.

Rents, thirty thousand dollars.

Real estate, thirty-five thousand dollars.

Real estate expenses, one hundred thousand dollars.

Roads and avenues, seventy-five thousand dollars.

Roads and avenues, grading Eighth avenue, forty thousand dollars.

Repairs and Supplies, eleven thousand five hundred and forty-four dollars.

Repairs to public buildings, including new buildings and buildings for Fire Department, sixty-three thousand dollars.

Reconstruction of Fifteenth Ward station-house, twelve thousand dollars.

Removing public buildings in opening streets, five thousand dollars.

Stationery, twenty thousand dollars.

Supplies to public officers, fifteen thousand dollars.

Sewers, repairing and cleaning, twenty-four thousand dollars.

Salaries, four hundred and twelve thousand five hundred dollars.

Sunken vessels, removing, two thousand dollars.

Street expenses and paving, including arrearages of 1856, one hundred thousand dollars.

Society for Reformation of Juvenile Delinquents, eight thousand dollars.

Wells and pumps, and repairing, one thousand dollars.

Water pipes and laying, ninety-one thousand three hundred dollars.

Ward maps and surveying for Tax Commissioners, five thousand dollars.

And for such other expenses as the Mayor, Aldermen, and Commonalty of the city of New York may be put to by law; such portion of the expenses of the said city and county of New York, as relates to repairing, repaving and cleaning streets, in that part of the city lying south of a line running through the centre of Forty-second street, shall be assessed only on that part of the said city, lying south of the said line.

And also, a further sum, not exceeding eight hundred and twenty-five thousand five hundred dollars, by tax on the estates, real and personal, subject to taxation, according to law, within the said city and county, and to be collected according to law, to be applied toward defraying the expenses of police in said city and county.

And also, the further sum of four hundred and twenty-one thousand four hundred and ninety dollars by tax, on the estates, real and personal, subject to taxation, according to law, within that part of the city and county of New York, which is or may be designated by the Common Council of the city of New York, by resolution or ordinance, as the lamp district, to be collected according to law, and applied toward the expense of lighting such part of the city last mentioned.

And also, the further sum of four hundred and thirty-eight thousand three hundred and seventy dollars and forty-seven cents, by tax on the estates, real and personal, subject to taxation according to law, within the said city and county, to be collected according to law, and applied toward defraying the deficiency on taxation, in said city and county, for the year one thousand eight hundred and fifty-six, of which amount the sum of twenty-nine thousand five hundred and eighty-eight dollars shall be applied for the payment of the arrearages due on account of the Central Park.

§ 2. No portion of the said respective sums herein before named, shall be expended or applied to any other purposes or objects, than said objects and purposes, respectively, for which the Board of Supervisors of said city and county of New York are herein before empowered to raise the same as aforesaid.

§ 3. This act shall take effect immediately.

STATE OF NEW YORK, }  
Secretary's Office. } I have compared the preceding  
with the original law on file in this office, and do hereby  
certify that the same is a correct transcript therefrom and  
of the whole of said original law.

[L. s.] Given under my hand and seal of office at  
the city of Albany, this twenty-fifth day  
of March, in the year one thousand eight  
hundred and fifty-seven.

N. P. STANTON,

*Dep. Secretary of State.*

## AN ACT

TO LEGALIZE CERTAIN ACTION OF THE BOARD OF SUPERVISORS  
IN THE THE CITY AND COUNTY OF NEW YORK.

Passed April 13, 1857, three fifths being present.

*The People of the State of New York, represented in Senate  
and Assembly, do enact as follows:*

SEC. 1. The resolution passed December twenty-sixth, eighteen hundred and fifty-six, by the Board of Supervisors of the city and county of New York, in the following words, viz:—"Resolved, That there be appointed a clerk by the Receiver of Taxes, to assist the Deputy Receiver of Taxes in the discharge of his especial duties, at a salary of one thousand dollars per annum, and that this resolution take effect on, and from the twenty-sixth day of December, eighteen hundred and fifty-six, is hereby declared to be lawful and of binding force."

§ 2. This act shall take effect immediately.

STATE OF NEW YORK, }  
Secretary's Office. } I have compared the preceding  
with the original law on file in this office, and do hereby  
certify that the same is a correct transcript therefrom, and  
of the whole of said original law.

Given under my hand and seal of office, at the  
city of Albany, this thirteenth day of April,  
[L. S.] in the year one thousand eight hundred  
and fifty-seven.

N. P. STANTON,  
*Dep. Secretary of State.*



## AN ACT

TO LEGALIZE CERTAIN ACTION OF THE BOARD OF SUPERVISORS  
IN THE CITY AND COUNTY OF NEW YORK.

Passed March 10, 1857, three fifths being present.

*The People of the State of New York, represented in Senate  
and Assembly, do enact as follows:*

SEC. 1. The resolution passed December thirteenth, eighteen hundred and fifty-five, by the Board of Supervisors of the city and county of New York, in the following words, viz: "*Resolved*, That the clerks of the police courts be paid for extra services, in addition to their present salary, at the rate of one sixth of the compensation they now receive, and that this resolution take effect on and from the first day of January, eighteen hundred and fifty-two, is hereby declared to be lawful and of binding force.

§ 2. This act shall take effect immediately.

STATE OF NEW YORK, }  
Secretary's Office. } I have compared the preceding  
with the original law on file in this office, and do hereby  
certify that the same is a correct transcript therefrom and  
of the whole of said original law.

Given under my hand and seal of office, at the city  
[L. S.] of Albany, this 25th day of March, in the year  
one thousand eight hundred and fifty-seven.

N. P. STANTON,

*Dep. Secretary of State.*

## AN ACT

IN RELATION TO ASSESSMENTS IN THE CITY OF NEW YORK, AND  
TO AMEND THE SEVERAL ACTS IN RELATION THERETO.

Passed April 16th, 1857, three fifths being present.

*The People of the State of New York, represented in Senate  
and Assembly, do enact as follows:*

SEC. 1. There shall be in the city of New York three Tax Commissioners, as now provided for by law, but they shall hereafter be designated Commissioners of Taxes and Assessments, and the persons now holding such offices shall continue to hold the same until the first Monday of July, eighteen hundred and fifty-nine, when their several terms shall expire.

§ 2. The Supervisors of said county shall, on the first Monday in June, eighteen hundred and fifty-nine, and every third year thereafter, meet in the City Hall of said city, and proceed to elect, by ballot, three Commissioners of Taxes and Assessments, for the full term of three years. Not more than two names shall be written or printed upon any ballot, and the two persons receiving the highest number of votes shall be declared appointed; and the said Supervisors shall immediately thereafter select from the two persons having the next highest number of votes, the third Commissioner of Taxes and Assessments. Any vacancy in said Board of Commissioners from death, resignation or otherwise, shall be filled by said Supervisors for the balance of the term for which such Commissioner was appointed. The said Commissioners, so appointed, shall enter upon their duties on the first Monday of July

next ensuing. The annual compensation for each Commissioner shall be three thousand five hundred dollars, to be paid as a county charge.

§ 3. In addition to the duties now prescribed by law or hereafter imposed by this act, the said Commissioners, by three of their deputies, especially by them selected and designated for this purpose, shall perform the duties now discharged by the officers of the Bureau of Assessments, which bureau of the Street Department is hereby abolished.

§ 4. The offices of Ward Assessors in the city of New York, as heretofore existing, are hereby abolished, and the powers and duties now vested in and performed by those officers, relative to the assessment of real and personal estate, shall hereafter be vested in, and performed by, the officers provided for by this act, and in the manner hereinafter provided; and the provisions of law now existing in respect to the mode and manner of making assessments, by the Ward Assessors in the city of New York, as far as the same are conformable to the supervision of the Commissioners of Taxes and Assessments, are hereby made applicable to the officers provided for in this act.

§ 5. The Commissioners of Taxes and Assessments shall appoint twelve persons, to be known as Deputy Tax Commissioners, who shall perform, under their direction and supervision, the duties now performed by the assessors of the several wards of said city, and such other duties as they shall prescribe. They shall hold office during the pleasure of the commissioners, and shall receive such annual compensation as may be determined by the Board of Supervisors, not to exceed two thousand dollars per annum.

§ 6. It shall be the duty of the Deputy Tax Commissioners, under the direction of the Commissioners of Taxes and Assessments, to assess all the taxable property in the several districts that may be assigned to them for that purpose by said commissioners, and shall furnish to them, under oath, a detailed statement of all such property; that said deputies have personally examined each and every house, building, lot, pier, or other assessable property, giving the street, and ward map number of such real estate embraced within said district, together with the name of the owner or occupant, if known, also in their judgment, the sum for which such property, under ordinary circumstances, would sell, with such other information in detail, relative to personal property or otherwise, as the said commissioners may, from time to time, require. Such deputies shall commence to assess real and personal estate on the first Monday of September, in each and every year.

§ 7. The Board of Supervisors shall assign the said commissioners and their deputies a suitable office or offices in the city of New York, which shall be kept open during the usual days and hours as the other city offices are by law required to be kept open, for the transaction of business. The books, maps, assessment rolls, and other papers now pertaining to the office of Tax Commissioner, and the Bureau of Assessments of the Street Department shall be transferred to the custody and control of the Commissioners of Taxes and Assessments, and shall continue to be public records, and at all reasonable times shall be open to public inspection.

§ 8. The said commissioners shall appoint such number

of clerks as the Supervisors, by resolution, shall prescribe, who shall hold office during the pleasure of the commissioners, and receive for their services such compensation as may be fixed by said Supervisors, to be paid as a county charge.

§ 9. The said commissioners shall also appoint, by and with the consent of the Supervisors, a city surveyor, whose duty it shall be to make the necessary surveys and corrections of the ward maps, and also all new maps which may be required for the more accurate assessment of real estate. He shall hold office at the pleasure of the commissioners, and shall receive for his services an annual compensation not to exceed the sum of three thousand dollars, to be fixed by the Supervisors, and paid as a county charge.

§ 10. The said commissioners shall keep in their office, books to be provided for that purpose, by the Board of Supervisors, to be called "the annual record of the assessed valuation of real and personal estate," in which shall be entered in detail the assessed valuations of all taxable property within the city and county of New York, and which said books shall be opened for examination and correction from the second Monday of January until the first day of May, in each and every year, but on said last mentioned day, the same shall be closed to enable the commissioners to prepare assessment rolls of the several wards, for delivery to the Supervisors, as hereinafter provided.

§ 11. The said commissioners, previous to and during the time said books are opened for inspection, shall advertise the fact in the several newspapers, or in such



manner as they may deem most advisable, and the charges therefor certified by the commissioners shall be awarded and allowed by the Supervisors as a county charge.

§ 12. During the time the books shall be open to public inspection, as herein before provided; application may be made by any person considering himself aggrieved by the assessed valuation of his real or personal estate, to have the same corrected. If such application be made in relation to the assessed valuation of real estate, it must be made in writing, stating the ground of objections thereto, and thereupon the commissioners shall examine into the complaint, and if, in their judgment, the assessment is erroneous, they shall cause the same to be corrected. If such application be made in relation to the assessed valuation of personal estate, the applicant shall be examined under oath by the said commissioners or any of them, and if in their judgment the assessment is erroneous, they shall cause the same to be corrected, and declare their decision thereon, within thirty days after such application shall have been made to them. No reduction shall be made by the Board of Supervisors\* of any assessment on real or personal estate imposed under this act, unless it shall appear, under oath or affirmation, that the party aggrieved was unable to attend within the period prescribed for the correction of taxes, by reason of sickness or absence from the city.

§ 13. It being the intention of this act to provide for the better equalization of the taxation in the city and county of New York, the commissioners may, at any time before the second day of April, in each year, increase, and at any time before the closing of the books of annual

record on the first day of May, in each year, diminish the assessed valuation of any of the aforesaid taxable real or personal estate in said city, as in their judgment may be necessary for such equalization, but they shall not increase such valuations after said books are open for correction and review, except upon notice being given to the party affected by such increase, twenty days before the closing of said books.

§ 14. On the first day of May, in each year, the commissioners shall cause to be prepared from the books of annual record of assessed valuations of real and personal estate in the city of New York, assessment rolls for each of the several wards of said city in the same form as the same are now by law directed to be prepared, and shall annex to each of said rolls their certificate that the same is correct in accordance with the entries in said books of record.

§ 15. The rolls thus certified must on the first Monday of July, in each year, be delivered by the said Commissioners to the Supervisors of the city and county of New York, who shall meet at noon on that day at the City Hall, in said city, for the purpose of receiving the same, and for the purpose of performing such other duties in relation thereto as are prescribed by law.

§ 15. Whenever any permit shall be granted by the proper officer of the city government for the erection of any building, pier or bulkhead, within said city, a copy of such permit shall be furnished by the said officer to the Commissioners of Taxes and Assessments.

§ 17. All assessments directed by ordinance of the Common Council of the city of New York, shall be made

in accordance with existing laws, by the persons selected and designated as deputies. The said commissioners, with any one of said deputies shall, together, form a Board, and select a president, who shall give all notices now required by law to be given by Assessors or the Chairman thereof, for assessments directed by Corporation ordinances, and all objections shall be heard before said Board, and until the first day of January, eighteen hundred and fifty-nine, the persons now in office, known as the Assessors of the Street Department, shall be designated by said commissioners as their deputies for making the assessments so directed by Corporation ordinances, and shall exercise the powers, perform the duties and receive the compensation as provided by law before the passage of this act, but at the expiration of the said term, the deputies designated for such duty shall receive an annual salary, as provided for in section five of this act.

§ 18. The said deputies or a majority thereof, shall make the estimates and assessments required by law for building wells, erecting pumps, pitching, paving and repairing streets and sidewalks, constructing sewers, fencing lots and filling public slips, or any other improvement directed by an ordinance of the Common Council.

§ 19. The said commissioners shall, on the completion by said deputies of any assessment mentioned in the last section, publish, for ten days, in the Corporation papers, a notice that the same is completed, and will remain in their office thirty days for examination, by all parties interested therein, and that at the end of that time, the said commissioners, or a majority of them, shall certify the same in writing, to the Common Council for confirma-

tion. The notices shall also contain a general description of the limits within which property is affected by the assessment. If objections be presented within the time then mentioned in the notice, upon which they shall refuse to alter their assessment list, or if, notwithstanding its alteration, objections shall be made, they shall present the assessment list with such objections to the Common Council.

§ 20. The commissioners shall describe in the assessment list, the several houses and lots assessed by the known street numbers and the ward map numbers, and shall also state therein the names of the owner or owners and occupant or occupants thereof respectively. In making their assessment, the commissioners shall in no case assess upon a house or lot or upon land, whether improved or unimproved, more than one third the value as fixed by them on the annual record of assessments for taxes last confirmed by the Board of Supervisors.

§ 21. They shall enter, in books to be provided for that purpose, a full and complete record in detail, of all assessments confirmed by the Supreme Court, or by the Common Council, which shall at all convenient times be open to public inspection.

§ 22. All the powers and duties now possessed by the Street Commissioner of the city of New York, or by his department, in regard to making and perfecting assessments, shall devolve upon the Commissioners of Taxes and Assessments.

§ 23. All acts and parts of acts of the legislature of this state, not inconsistent with the provisions of this law, shall continue to remain in full force and effect.

§ 24. A certiorari to review and correct, on the merits any decision or action of the said commissioners, under section twelve or thirteen of this act, shall be allowed by the Supreme Court, or any judge thereof, directed to the said commissioners, on the petition of the party aggrieved, and shall, with the return, be heard and decided forthwith, by said court, in preference to all other matters, actions or proceedings.

§ 25. This act shall take effect immediately.

STATE OF NEW YORK, {  
Secretary's Office. } I have compared the preceding  
with the original law on file in this office, and do hereby  
certify that the same is a correct transcript therefrom, and  
of the whole of said original law.

[L.S.] Given under my hand and seal of office, at the  
city of Albany, this twenty-first day of  
April, in the year one thousand eight hun-  
dred and fifty-seven.

N. P. STANTON,  
*Dep. Secretary of State.*



## AN ACT

TO SUPPRESS INTemperance, AND TO REGULATE THE SALE OF  
INTOXICATING LIQUORS.

Passed April 16,\* 1857—three fifths being present.

*The People of the State of New York, represented in Senate  
and Assembly, do enact as follows:*

§ 1. There shall be appointed on the second Tuesday of May next, by the County Judge and the two Justices of the Sessions, or a majority of them, of which the County Judge shall be one, in each of the counties of this state (except the city and county of New York, wherein the Chief Justice of the Superior Court, the presiding Judge of the Court of Common Pleas, and the Recorder of the city, or any two of them, shall appoint), at the place where the county courts are required to be held, three reputable freeholders, residents of the county, who shall be the Commissioners of Excise for their respective counties, and shall be known as the Board of Commissioners of Excise. The said county judge and justices, and in the city of New York, the Chief Justice of the Superior Court, the presiding Judge of the Court of Common Pleas, and the Recorder of the city, shall meet at the time and place aforesaid, and divide the said Commissioners into three classes by lot. The Commissioner assigned to the first class, shall hold his office until the first day of January, eighteen hundred and fifty-nine, the Commissioner in the second class until the first day of January, eighteen hundred and sixty-one, and the Commissioner in the third class until the first day of January, eighteen hundred and sixty-three,

and one Commissioner in every two years thereafter, as the term of office shall expire, shall be appointed on the second Tuesday of May in such year, at the place and by the authorities above provided, who shall hold his office for six years from the first day of January following his appointment. In case of a vacancy in the office of County Judge, the appointment of Commissioners shall be made by the Justice of the Sessions. In case of a vacancy by death, or otherwise, in the Board of Commissioners, such vacancy shall be filled by the said judge and justices, or by the said Chief Justice of the Superior Court, the presiding judge of the Court of Common Pleas, and the Recorder of the city of New York for the unexpired term of such Commissioners; every Commissioner, before he shall enter upon his duties, shall take and subscribe the oath prescribed by section one, article twelve, of the Constitution.

§ 2. The Commissioners of Excise shall meet in their respective counties at the place aforesaid, on the third Tuesday of May in each year, and on such other days as a majority of the Commissioners shall appoint, not exceeding ten days in any one year, and in the city of New York not exceeding fifty days, for the purpose of granting licenses, as hereinafter prescribed. They shall have power to grant licenses to keepers of inns, taverns or hotels, being residents of the town or city where such inn, tavern or hotel is proposed to be kept, to sell strong and spirituous liquors, and wines, to be drank in their houses respectively; and to store keepers, being such residents, a license to sell such liquors and wines in quantities less than five gallons, but not to be drank in their shops, houses, out-houses, yards or gardens, and they shall have power to determine the sum to be paid for a license by each person

applying, which sum shall be as follows: In towns and incorporated villages, not less than thirty dollars, nor more than one hundred dollars; and in cities, not less than thirty dollars, nor more than two hundred and fifty dollars; no license shall be granted to any person or firm to sell in more than one place.

§ 3. They shall keep a book of minutes of all their proceedings, in which shall be entered every resolution passed by them, granting a license to any person, with the sum required to be paid, which minutes shall be verified by their signatures, and filed with the town clerk of the town for which such license shall be granted, and in the several cities of the state, with the city clerk, within eight days thereafter.

§ 4. All licenses shall be signed by the Commissioners granting the same. They shall not be issued until the requirements fixed by the Board shall have been complied with; when issued, they shall be in force, unless revoked, until ten days after the third Tuesday in May next succeeding the granting of such license, and in the city of New York until fifty days thereafter.

§ 5. Each of said Boards of Commissioners of Excise, shall have the right to appoint a clerk for the time they may be actually in session, in accordance with the provisions of this act, such clerk to receive the same compensation as is allowed by this act to each of the Commissioners. They shall keep a book of minutes of proceedings, on which shall be entered the names of all applicants for license; and they shall also enter on said book a list of all licenses granted, with the names of the parties to whom the same are granted, and the names of the securities to the bond required in each case. The said book of

minutes shall be deposited in the office of the County Clerk. No fee or reward shall be taken by any Board of Excise, or by any member thereof, or by any clerk thereof, for any license to keep an inn, tavern or hotel, or to sell strong or spirituous liquors, or for any service required of such Board, nor shall any compensation be retained by any such board, or by any member thereof, or by any clerk thereof, out of the excise money, but the whole amount thereof shall be paid over to the County Treasurer, for the use of the poor in the several counties; but the persons composing such Board of Excise shall be entitled each to receive the sum of three dollars per day for services actually performed, to be allowed and paid in like manner as other county charges, and no other or greater compensation shall be allowed. The expenses of procuring necessary books for minutes, and necessary blanks, when actually incurred, shall be audited and paid in like manner as other county charges.

§ 6. License shall not be granted to any person to sell strong and spirituous liquors and wines to be drank on the premises of the person licensed, unless such person proposes to keep an inn, tavern or hotel, nor unless the Commissioners are satisfied that the applicant is of good moral character; that he has sufficient ability to keep an inn, tavern, or hotel, and the necessary accommodations to entertain travelers, and that an inn, tavern or hotel is required for the actual accommodation of travelers, at the place where such applicant resides or proposes to keep the same; all which shall be expressly stated in such license; and no such license shall be granted except on the petition of not less than twenty respectable freeholders of this state, residing in the election district where such inn, tavern or



hotel is proposed to be kept, by them duly signed and verified by the oath of a subscribing witness, and not then unless in the opinion of the Commissioners such inn, tavern or hotel is necessary or proper, and not more than one license shall be granted on the memorial of the same petitioners, or any of them; all petitions upon which such licenses shall be granted shall be filed with the County Clerk within eight days. And in case the Commissioners shall grant any license contrary to the provisions of this act they shall be deemed guilty of a misdemeanor.

§ 7. Nor shall such license to keep an inn, tavern or hotel be granted until the applicant shall have executed and delivered to the Board of Commissioners of Excise, herein provided, a bond to the people of this state, in the penal sum of two hundred and fifty dollars, with sufficient sureties, who shall duly justify in the sum of five hundred dollars, to be approved by the Board of Commissioners, with a condition that such applicant, during the time that he shall keep any inn, tavern or hotel, will not suffer it to be disorderly, or suffer any gambling, or keep a gambling table of any description, within the inn, tavern, or hotel, so kept by him, or in any outhouse, yard or garden belonging thereto.

§ 8. Every keeper of an inn, tavern or hotel, in any of the towns or villages of this state, shall keep in his house at least three spare beds for his guests, with good and sufficient bedding, and shall provide and keep good and sufficient stabling, and provender of hay in the winter, and hay or pasturage in the summer, and grain for four horses or other cattle more than his own stock, for the accommodation of travelers; and every keeper of an inn, tavern



or hotel in the cities of this state, shall keep at least three spare beds, and the necessary bedding for the accommodation of travelers. For every neglect or default in having either of the articles herein required, such keeper shall forfeit ten dollars, to be recovered by the overseers of the poor, for the use of the poor.

§ 9. Every inn, tavern or hotel keeper licensed under the provisions of this act, shall, within thirty days after obtaining his license, put up a proper sign on or adjacent to the front of his house, with his name thereon, indicating that he keeps an inn, tavern or hotel, and he shall keep up such sign during the time that he keeps an inn, tavern or hotel. For every month's neglect to keep up such sign, he shall forfeit ten dollars.

§ 10. No inn, tavern or hotel keeper, who shall trust any person, other than those who may be lodgers in his house, for any sort of strong or spirituous liquors or wines, shall be capable of recovering the same by any suit. All securities given for such debts shall be void; and the inn, tavern or hotel keeper taking such securities with intent to evade this provision, shall forfeit double the sum intended to be secured thereby.

§ 11. In all licenses that may be granted (excepting to inn, tavern or hotel keepers) to sell strong or spirituous liquors or wines, in quantities less than five gallons, there shall be inserted an express declaration that such license shall not be deemed to authorize the sale of any strong or spirituous liquor, or wine, to be drank in the house or shop of the person receiving such license, or in any outhouse, yard or garden appertaining thereto, or connected therewith.

§ 12. Such licenses shall not be granted, unless the Commissioners are satisfied that the applicant is of good moral character, nor until such applicant shall have executed a bond to the people of this state in the penal sum of five hundred dollars, with sufficient sureties, who shall duly justify in the sum of one thousand dollars, to be approved by the Commissioners, and to be delivered to the Commissioners, conditioned that during the term for which his license shall be granted he will not suffer his place of business to become disorderly; that he will not sell, or suffer to be sold, any strong or spirituous liquors or wines to be drank in his shop or house, or in any outhouse, yard or garden appertaining thereto, and that he will not suffer any such liquor, sold by virtue of such license, to be drank in his shop or house, or in any outhouse, yard or garden belonging thereto; and whenever any person is seen to drink in such shop or house, outhouse, yard or garden, belonging thereto, any spirituous liquors or wines, forbidden to be drank therein, it shall be *prima facie* evidence that such spirituous liquor or wines were sold by the occupant of such premises, or his agent, with the intent that the same should be drank therein. On any trial for the offence last aforesaid, such occupant or agent may be allowed to testify respecting such sale.

§ 13. Whoever shall sell any strong or spirituous liquors or wines in quantities less than five gallons at a time, without having a license therefor, granted as herein provided, shall forfeit fifty dollars for each offence.

§ 14. Whoever shall sell any strong or spirituous liquors or wines to be drank in his house or shop, or any outhouse, yard or garden appertaining thereto, or shall suffer or per-

mit any such liquors or wines sold by him, or under his direction or authority, to be drank in his house or shop, or in any outhouse, yard or garden thereto belonging, without having obtained a license therefor as an inn, tavern or hotel keeper, shall forfeit fifty dollars for each offence.

§ 15. No inn, tavern or hotel keeper, or any other person licensed to sell any strong or spirituous liquors or wines, shall sell or give away any such liquors or wines to any Indian or apprentice, knowing or having reason to believe him to be such, without the consent of his master or mistress, nor to any minor under the age of eighteen years without the consent of his father or mother, or guardian. Whoever shall offend against either of these provisions shall forfeit ten dollars, to be recovered by the master of such apprentice or servant, or by the parent or guardian of such minor; and any person who shall sell or give away any strong or spirituous liquor to any Indian in this state, shall be deemed guilty of a misdemeanor, and on conviction, shall be liable to a fine of twenty-five dollars for each and every offence.

§ 16. It shall be the duty of every sheriff, under sheriff, deputy sheriff, constable, marshal, policeman, or officer of police, to arrest all persons found actually engaged in the commission of any offence in violation of this act, and forthwith to carry such person before any magistrate of the same city or town, to be dealt with according to the provisions of this act; and it shall be the duty of such magistrate, on sufficient proof that such offence has been committed, unless such person shall elect to be tried before such magistrate, to require a bond to be executed by such offender in the penal sum of one hundred dollars, with sure-

ties, who shall justify in double the amount, severally conditioned, that such offender will appear and answer the charge at the next term of the Court of Oyer and Terminer or Sessions to be held in said county, and abide the order and judgment of the court thereon, or to commit such offender to the county jail until such judgment of said court, or until he be discharged according to law. And it shall be the duty of the magistrate to entertain any complaint of a violation of this act, made by any person under oath, and forthwith to issue a warrant and cause such offender to be brought before him, to comply with the provisions of this section; and such magistrate shall, within ten days, cause such bond, together with all papers and affidavits, with a list of the persons and residences of the complainants and witnesses examined before him, to be delivered to the district attorney of the county, whose duty it shall be forthwith to prosecute the same.

§ 17. It shall be the duty of every such officer, whenever he shall find any person intoxicated in any public place, to apprehend such person, and take him before some magistrate of the same city or town; and if such magistrate shall, after due examination, deem him too much intoxicated to be examined, or to answer on oath correctly, he shall direct said officer to keep him in some jail, lock-up, or other safe and convenient place, until he shall become sober, and thereupon forthwith to bring him before said magistrate; and whenever any person shall be brought before any magistrate, as provided in this section, it shall be the duty of such magistrate to administer to such person an oath or affirmation, and examine him as to the cause of such intoxication, and to ascertain the person or persons who sold or gave

the liquor to such person; such intoxication being hereby declared to be an offence against the provisions of this act, punishable, upon conviction, by a fine of ten dollars, and costs at the same rate as in Courts of Special Sessions, and imprisonment in the county jail, work-house or penitentiary until paid, not, however, to exceed ten days. It shall be the duty of such officers to arrest, or cause to be arrested, all such persons when so intoxicated, and of the magistrate to entertain such complaints and make such examination, under the penalty of fifty dollars, with full costs of suit, for any neglect to comply with the provisions of this section.

§ 18. Whoever shall sell or give away any strong or spirituous liquors or wines, or shall suffer any such liquors or wines to be sold or given away, under his direction or authority, to any intoxicated person, shall forfeit not less than ten nor more than twenty-five dollars for each offence.

§ 19. It shall be the duty of magistrates and overseers of the poor, in any town or city, on complaint and satisfactory proof by a wife, that her husband is an habitual drinker of intoxicating liquors, to issue written notices to all dealers in intoxicating liquors, against whom such complaint is made, forbidding the sale or giving of such liquor to such husband for the term of six months from the date of the notice, under a penalty of fifty dollars, with costs, for each and every sale or giving of such liquor, after such notice shall have been given; to be sued for in her own name and for her own use. It shall be the duty of such magistrates and overseers of the poor, to forbid the sale in like manner, in all cases when a husband shall make like satisfactory proof concerning the wife, and all the provisions of this section shall apply the same in either case. It shall be the



duty of magistrates and overseers of the poor, when like proof is made by a parent concerning a child, who is a minor under the age of twenty-one years, or by a child concerning a parent, to forbid the sale in like manner; and all the provisions of this act shall apply as in other cases named above.

§ 20. It shall not be lawful, under the provisions of this act, to sell intoxicating liquors to any person guilty of habitual drunkenness, nor to any person against whom the seller may have been notified by parent, guardian, husband or wife, from selling intoxicating liquors, and every party so selling or retailing intoxicating liquors, shall, on proof thereof, before any court of competent jurisdiction, be deprived of his license to sell, and shall not be allowed a renewal of said license, and in addition, on conviction, shall be punished by a fine of not less than twenty dollars, nor more than fifty dollars, for each and every violation of the provisions herein set forth. If any inn, tavern or hotel keeper, or any other person or persons whatsoever, knowingly (outside of any poor-house,) shall sell or give to any pauper or inmate of any poor-house or alms-house, strong or spirituous liquors or wines, such person or persons so offending shall be fined twenty-five dollars, and be guilty of a misdemeanor, and on conviction, shall be imprisoned not more than sixty days.

§ 21. No inn, tavern or hotel keeper, or person licensed to sell liquors, shall sell or give away any intoxicating liquors or wines on Sunday, or upon any day on which a general or special election or town meeting shall be held, and within one quarter of a mile from the place where such general or special election or town meeting shall be held,

in any of the cities, villages or towns of this state, to any person whatever, as a beverage. In case the election or town meeting shall not be general throughout the state, the provisions of this section, in such case, shall only apply to the city, county, village or towns in which such election or town meeting shall be held. Whoever shall offend against the provisions of this section shall be guilty of a misdemeanor, and, on conviction, shall be imprisoned in the county jail, work-house or penitentiary, not more than twenty days.

§ 22. The penalties imposed by this act, except the penalties provided for by sections eight, fifteen and nineteen, shall be sued for and recovered in the name of the Board of Commissioners of Excise, and paid over to the Treasurer of the County, for the support of the poor of the county.

§ 23. Every bond taken pursuant to the provisions of this act, shall, within ten days after the execution of the same, be filed in the office of the clerk of the town or village in which the license shall be granted, and in the cities, in the City Clerk's office.

§ 24. Whenever a breach of the condition of such bond, given upon the granting of any license, shall happen, it shall be the duty of the Commissioners of Excise, the Supervisor of the town, Mayor of the city, or Trustees of the village in which the person who shall incur the penalty shall reside, to prosecute the same, and recover the penalty therefor.

§ 25. Whenever any conviction or judgment shall be obtained against any person licensed to sell strong or spirituous liquors or wines, for any violation of the provisions of

this act, either in a suit for a penalty or in a suit upon a bond given by such person, it shall be the duty of the justice or court before whom the same shall be had, to transmit to the next Court of Sessions of the county, a statement of such conviction or judgment, and of the offence for which it was obtained.

§ 26. The said court shall cause the person or persons against whom such conviction or judgment was obtained, to be notified to appear on such day as the court shall appoint to show cause why any such license that may have been granted to him or them should not be revoked. At the day appointed, and on such other days as the court shall appoint, it shall proceed to inquire into the circumstances, and shall revoke the license granted to the person or persons violating the provisions of this act,

§ 27. The person whose license shall be revoked shall be incapable of receiving any such license to sell strong or spirituous liquors or wines for the space of three years from the time of such revocation.

§ 28. Any person who shall sell any strong or spirituous liquors or wines to any of the individuals to whom it is declared by this act to be unlawful to make such sale, shall be liable for all damages which may be sustained in consequence of such sale, and the parties so offending may be sued in any of the courts of this state by any individual sustaining such injuries, or by the Overseers of the Poor of the town where the injured party may reside, and the sum recovered shall be for the benefit of the party injured.

§ 29. It shall be the duty of courts to instruct Grand Jurors to inquire into all offences against the provisions of

this act, and to present all offenders under this act, and also all persons who may be charged with adulterating imported or other intoxicating liquors with poisonous or deleterious drugs or mixtures, or selling the same, or with knowingly importing or selling intoxicating liquors or wines adulterated with poisonous or deleterious drugs or mixtures; which offences are hereby declared to be misdemeanors, to be punished by imprisonment in the penitentiary, work-house or jail, for a period of three months, and by a fine of one hundred dollars.

§ 30. In case the parties or persons whose duty it is, by the provisions of this act, to prosecute, shall neglect to prosecute for any penalty provided by this act, for the period of ten days after complaint to them that any provision of this act has been violated, accompanied with reasonable proof of the same, any other person may prosecute therefor in the name of the Board of Commissioners of Excise.

§ 31. All incorporated companies and persons in this state, engaged in conveying passengers, including especially, all railroads, steamboat and ferry companies, and all kinds of corporations conveying for hire, persons or property, shall be and hereby are required to refuse employment to all persons who, on good and sufficient proof, shall be shown to indulge in the intemperate use of intoxicating drinks, and any such company which shall retain in its employ any person or persons who shall, on competent proof, be shown to be intoxicated at any period whilst in the active service of said company or person, either as engineer, conductor, fireman, switch-tender, commander, pilot, mate or foreman, or be in any way connected with

the moving power or management, or whose duty, if neglected, would diminish the safety and security of life, limb or property, intrusted thereto, said company or corporation shall be liable to pay a sum of not less than fifty dollars, nor more than one hundred dollars to the County Treasurer, in the county where the offence may be committed and proved, before any court of competent jurisdiction.

§ 32. In any judgment rendered or recovered on any bond to be given under this act, or for any penalty incurred under this act, the person or persons against whom such judgment shall be rendered shall not be entitled, under any execution issued on such judgment, to the liberties of the jail.

§ 33. Title nine of chapter twenty, of the first part of the Revised Statutes, and the act entitled, "An act for the prevention of intemperance, pauperism and crime," passed April 9, 1855, and all other acts inconsistent with the provisions of this act, are hereby repealed.

§ 34. This act shall take effect immediately.

STATE OF NEW YORK, {

*Secretary's Office.* } I have compared the preceding with the original law on file in this office, and do hereby certify that the same is a correct transcript therefrom and of the whole of said original law.

[L.S.]

Given under my hand and seal of office,  
at the city of Albany, this twenty-seventh  
day of April, in the year one thousand  
eight hundred and fifty-seven.

N. P. STANTON,

*Dep. Secretary of State.*



## AN ACT

TO PROVIDE FOR THE APPOINTMENT OF A COMMISSION TO SECURE THE MORE PERFECT ESTABLISHMENT, GOVERNMENT, REGULATION AND ECONOMY OF COMMON SCHOOLS IN THE CITY OF NEW YORK.

Passed April 17, 1857, three fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SEC. 1. The Governor of the State of New York shall appoint five residents of the city of New York as Commissioners, to examine the school system of that city. It shall be the duty of such commission to visit such of the institutions for public education in that city as they may deem necessary, to confer with the Board of Education, the Board of Trustees in the several wards, and the other officers connected with the school system, or such of them as may request such conference, and also with other parties, desiring to make suggestions in relation to the matter; and to thoroughly examine the organization and operation of the system of public education in that city. And the said commission shall make a written report to the Governor previous to the first day of January next, upon the matters aforesaid, and annex to such a report a draft of a bill making such changes and improvements in the laws relative to public education in that city, as they may deem advisable.

§ 2. Neither of the said Commissioners shall receive any compensation for his services, but the necessary and

reasonable expenses of the said commission shall be paid by the Board of Education, out of the school moneys of said city.

§ 3. This act shall take effect immediately.

STATE OF NEW YORK, }  
Secretary's Office. }

I have compared the preceding with the original law on file in this office, and do hereby certify that the same is a correct transcript therefrom and of the whole of said original law.

[L. S.] Given under my hand and seal of office,  
at the city of Albany, this twenty-  
seventh day of April, in the year one  
thousand eight hundred and fifty-  
seven.

N. P. STANTON,

*Dep. Secretary of State.*

## AN ACT

RELATIVE TO STAGE ROUTES IN THE CITY OF NEW YORK.

Passed April 13th, 1857.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SEC. 1. No stage or omnibus route, or authority to run stages or omnibuses in said city, shall hereafter be granted by the Common Council of said city, unless a majority of the owners of property upon the street or streets, avenue or avenues, in or upon which any such route or privilege is to be operated, shall, before the Common Council act on the subject, first consent in writing thereto.

§ 2. Nothing herein contained shall be construed to impair the existing provisions of law relative to the franchises of said city, but any stage route or privilege hereafter granted by said Common Council shall be disposed of at public auction, in the manner now provided by law for the disposal of the franchises of said city to the bidder who will give the largest sum per annum, with adequate security, to the Corporation of said city for the right or privilege.

§ 3. This act shall take effect immediately.

STATE OF NEW YORK, }  
Secretary's Office. }

I have compared the preceding with the original law on file in this office, and do hereby

certify that the same is a correct transcript therefrom and of the whole of said original law.

[L. s.]      Given under my hand and seal of office, at  
the city of Albany, this twenty-seventh  
day of April, in the year one thousand  
eight hundred and fifty-seven.

N. P. STANTON,  
*Dep. Secretary of State.*

## AN ACT

TO LEGALIZE THE ACTION OF THE BOARD OF SUPERVISORS  
IN THE CITY AND COUNTY OF NEW YORK, IN RELATION TO  
THE PAINTING AND GRAINING OF THE ROOMS OF THE SU-  
PERIOR COURT.

Passed April 17th, 1857, three fifths being present.

*The People of the State of New York, represented in Senate  
and Assembly, do enact as follows:*

SEC. 1. The County Treasurer of the county of New York is hereby authorized to pay to Charles McGill, the sum of three hundred dollars, being the amount of one bill for painting and graining the rooms of the Superior Court in said county, as audited and allowed, pursuant to resolution of the Board of Supervisors of said county, passed November tenth, eighteen hundred and fifty-six, with interest on the said bill from the time it was audited and allowed; said resolution is hereby declared to be lawful and of binding force, notwithstanding the said painting and graining was not advertised and contracted for in accordance with the provisions of the charter of said city.

STATE OF NEW YORK, }  
Secretary's Office. } I have compared the preceding  
with the original law on file in this office, and do hereby



certify that the same is a correct transcript therefrom and of the whole of said original law.

[L. S.] Given under my hand and seal of office,  
at the city of Albany, this twenty-  
seventh day of April, in the year one  
thousand eight hundred and fifty-  
seven.

N. P. STANTON,  
*Dep. Secretary of State.*

## AN ACT

TO LEGALIZE CERTAIN ACTIONS OF THE BOARD OF SUPERVISORS IN THE CITY AND COUNTY OF NEW YORK.

Passed April 13, 1857, three fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SEC. 1. The resolution passed December twenty-sixth, eighteen hundred and fifty-six, by the Board of Supervisors of the city and county of New York, in the following words, viz: *Resolved*, That there be appointed a clerk by the Receiver of Taxes, to assist the Deputy Receiver of Taxes in the discharge of his especial duties, at a salary of one thousand two hundred dollars per annum, and that this resolution take effect on and from the twenty-sixth day of December, eighteen hundred and fifty-six, is hereby declared to be lawful and of binding force.

§ 2. This act shall take effect immediately.

STATE OF NEW YORK, }  
Secretary's Office. } I have compared the preceding  
with the original law on file in this office, and do hereby  
certify that the same is a correct transcript therefrom and  
of the whole of said original law.

Given under my hand and seal of office, at the  
city of Albany, this twenty-seventh day of  
[L.S.] April, in the year one thousand eight hundred  
and fifty-seven.

N. P. STANTON,

*Dep. Secretary of State.*

## AN ACT

AUTHORIZING THE MAYOR, ALDERMEN AND COMMONALTY OF THE CITY OF NEW YORK, TO WIDEN BROADWAY OR BLOOMINGDALE ROAD, BETWEEN FIFTY-SEVENTH AND FIFTY-NINTH STREETS, IN THE CITY OF NEW YORK.

Passed April 13, 1857, three fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SEC. 1. The street known as Broadway or Bloomingdale road, in the city of New York, may be widened by the Mayor, Aldermen and Commonalty of the city of New York, between Fifty-seventh and Fifty-ninth streets, to such width as they may deem proper, any thing contained in the act entitled "An act relative to improvements touching the laying out of streets and roads in the city of New York, and for other purposes, passed April third, eighteen hundred and seven," to the contrary notwithstanding. And whenever the said Mayor, Aldermen and Commonalty of the city of New York, shall deem it desirable, in order to improve the access to Central Park, or otherwise, for the public convenience, so to widen the said street, they may order and direct the same to be done in like manner, and the like proceedings shall be thereupon had in relation to the said widening, as if the said widening was in a part of the said city not laid out into streets, avenues, squares and public places by the Commissioners of Streets and Roads in the city of New York, under, and by virtue of the said last-mentioned act; and all the provisions relative to the widening of streets in that part of the said

city, not laid out as aforesaid, which are contained in the act entitled "An act to reduce several laws, relating particularly to the city of New York, into one act, passed April ninth, eighteen hundred and thirteen," and the several acts altering and amending the same, shall be construed to apply to the said widening.

§ 2. The commissioners who may be appointed to assess the damage and benefit in consequence of such widening, shall be authorized to assess such part of the expense or damage as they may deem reasonable, upon the Mayor, Aldermen and Commonalty of the city of New York, by reason of such widening being required to facilitate the access to Central Park.

STATE OF NEW YORK, }  
Secretary's Office. } I have compared the preceding  
with the original law on file in this office, and do hereby  
certify the same to be a correct transcript therefrom, and  
of the whole of said original law.

Given under my hand and seal of office, at the city  
of Albany, this twenty-seventh day of April, in  
[L. s.] the year one thousand eight hundred and fifty-  
seven.

N. P. STANTON,  
*Dep. Secretary of State.*

## AN ACT

TO PROVIDE PAYMENT FOR CERTAIN ARTICLES FURNISHED  
AND SERVICES PERFORMED FOR THE CITY OF NEW YORK,  
AND TO LEGALIZE THE ACTION OF THE BOARD OF SUPER-  
VISORS IN THE CITY AND COUNTY OF NEW YORK, RELATIVE  
THERE TO.

*The People of the State of New York, represented in Senate  
and Assembly, do enact as follows:*

SEC. 1. The County Treasurer of the county of New York is hereby authorized to pay to Thomas McSpedon and Charles W. Baker, the sum of seven thousand and thirty eight dollars and sixty-two cents, being the amount of four several bills for blank books, stationery and binding for the office of Register of said county, as audited and allowed, pursuant to resolutions of the Board of Supervisors of said county, passed on the sixteenth day of May, eighteen hundred and fifty-six; on the fifteenth day of July, eighteen hundred and fifty-six, and on the fifteenth day of December, eighteen hundred and fifty-six, with interest on the said several bills from the times when the said bills were so audited and allowed; said resolutions are hereby declared to be lawful and of binding force, notwithstanding the said blank books, stationery and binding were not advertised and contracted for, in accordance with the provisions of the charter of said city.

STATE OF NEW YORK, }  
Secretary's Office. } I have compared the preceding  
with the original law on file in this office, and do hereby



certify that the same is a correct transcript therefrom and of the whole of said original law.

[L. S.]      Given under my hand and seal of office,  
at the city of Albany, this fourteenth  
day of April, in the year one thousand eight hundred and fifty-seven.

N. P. STANTON,

*Dep. Secretary of State.*

## AN ACT

IN RELATION TO THE OPENING OF THE SECOND AVENUE IN  
THE CITY OF NEW YORK.

Passed April 10, 1857, three fifths being present.

*The People of the State of New York, represented in Senate  
and Assembly, do enact as follows:*

SEC. 1. It shall be the duty of the Counsel to the Corporation of the city of New York, to take the necessary legal measures to open such parts of the Second avenue in said city, as have not already been opened.

§ 2. All laws now in force relative to proceedings for opening streets and avenues in said city, shall apply to the proceedings authorized by this act, except section one of chapter two hundred and nine of the laws of eighteen hundred and thirty nine. Provided, that in assessing the cost of such opening, the Second Avenue Railroad Company shall be assessed for its proportion of benefits to be derived therefrom by the privilege of extending its track through said avenue upon such real estate as they own along the line of said avenue.

§ 3. The application for the appointment of commissioners of estimate and assessment in said proceedings, and the motion for the confirmation of the report of said commissioners, may be made at any special term of the Supreme Court, appointed to be held in and for the city and county of New York.

STATE OF NEW YORK, {  
Secretary's Office. }

I have compared the preceding with the original law on file in this office, and do hereby certify that the same is a correct transcript therefrom, and of the whole of said original law.

Given under my hand and seal of office, at  
the city of Albany, this twenty-seventh  
[L. S.] day of April, in the year one thousand  
eight hundred and fifty-seven.

(Signed) N. P. STANTON,  
*Dep. Secretary of State.*

## AN ACT

IN RELATION TO THE COLES OR HARLEM BRIDGE, AT THE  
TERMINUS OF THE THIRD AVENUE, IN THE COUNTY OF  
NEW YORK.

Passed April 17, 1857; three fifths being present.

*The People of the State of New York, represented in Senate  
and Assembly, do enact as follows:*

SEC. 1. On the first day of April, eighteen hundred and fifty-eight, the present toll bridge, built by John B. Coles, and his assigns, over the Harlem river, at the terminus of the Third avenue, in the county of New York, connecting it with the county of Westchester, then to become the property of the people of the state of New York, shall forever thereafter be a free bridge and public highway, and shall be kept in good and sufficient repair, and be maintained and sustained as a free bridge and public highway by the counties of New York and Westchester, as hereinafter provided.

§ 2. On the said first day of April, eighteen hundred and fifty-eight, or immediately thereafter, it shall be the duty of the Mayor of the city of New York, and the county judge of the county of Westchester, (until the then next annual meeting of the Board of Supervisors of Westchester county, when it shall be their duty to appoint) and they are hereby required to appoint, each for the term of one year from the time of the making thereof, respectively, and annually thereafter, in like manner, to appoint a suitable person to attend to the management and have the care and custody of the said bridge, and to attend to its repairing, and open the draw thereof, so as to prevent any

unnecessary delay or impediment in the navigation of said river; and the persons so to be appointed shall each receive an annual compensation, by way of salary, not to exceed seven hundred dollars, to be paid in monthly payments out of the treasury of the said city, upon the usual warrant of the said Mayor and the Comptroller, and out of the treasury of the county of Westchester, in like payments by the county treasurer thereof; and the said salaries shall be levied and collected in the same manner as other taxes for county charges are levied and collected in the said counties, respectively.

§ 3. It shall be the duty of the authorities of the counties of New York and Westchester, and they are hereby required forever after the first day of April, eighteen hundred and fifty-eight, to keep, maintain and sustain the said bridge in a good and sufficient state of repair, and to bear and pay their respective shares of the cost and expense thereof, in proportion to their several jurisdictions over the same as defined and fixed by the boundary lines of said counties, respectively; and the cost and expense thereof, as well as the cost and expense of the rebuilding of the said bridge, when such rebuilding may be deemed requisite and necessary, as hereinafter provided, shall be levied and collected as county charges, and shall be borne and paid by the said counties respectively in the aforesaid proportion in the apportionment of the said cost and expense.

§ 4. Whenever the Mayor and the Street Commissioner of the said city, and the County Judge of the county of Westchester, and the Chairman of the Board of Supervisors therein, or a majority of them, (and they and their successors in office, are hereby constituted a Board of



Commissioners for the purpose, to be known as the Commissioners of the Harlem Bridge,) shall, upon personal inspection and examination, deem it necessary, and shall certify in a certificate to be by them signed and filed in the office of the county clerk of said counties, that the rebuilding of the said bridge is requisite and necessary, and the said bridge should be rebuilt and reconstructed, the same shall immediately after such determination and the finding of the said certificate be rebuilt and reconstructed by and under the direction of the aforesaid officers, and they are hereby authorized, empowered, and required to make all necessary engagements and contracts for such rebuilding and reconstruction, and to have said bridge fully rebuilt and reconstructed without any unnecessary delay, and the cost and expense thereof shall be levied and collected as other county charges are levied and collected, and shall be borne and paid by the said counties in the aforesaid proportions chargeable to each of them as herein before provided.

§ 5. All acts and parts of acts inconsistent with this act, are hereby repealed.

§ 6. This act shall take effect immediately.

STATE OF NEW YORK, }

*Secretary's Office.* } I have compared the preceding with the original law on file in this office, and do hereby certify that the same is a correct transcript therefrom and of the whole of said original law.

[L. S.]

Given under my hand and seal of office, at the city of Albany, this twenty-seventh day of April, in the year one thousand eight hundred and fifty-seven.

N. P. STANTON,

*Dep. Secretary of State.*

## AN ACT

TO CONFIRM AND LEGALIZE THE RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF NEW YORK, PROVIDING FOR THE WIDENING OF BATTERY PLACE, AND TO AUTHORIZE.

Passed April 18, 1857—three fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SEC. 1. The resolution adopted by the Common Council of the city of New York, on or about the thirty-first day of December, eighteen hundred and fifty-three, providing for the opening of Battery place, in accordance with the plan referred to in said resolution, and on file in the office of the Clerk of the Common Council, is hereby confirmed and made valid and effectual to all intents and purposes; and the Street Commissioner is hereby directed to proceed with said opening, in conformity with said resolution: provided, however, that Battery place be made not more than seventy feet wide at the corner of Broadway, nor more than two hundred feet wide at the corner of West street and Battery place; and it is also provided that a ferry slip may be constructed at the foot of Battery place, when widened as aforesaid, not more than two hundred and fifty feet long, and being fifty feet wide at Battery place; the north side of said slip to be placed not nearer to pier number one, North river, than one hundred and nineteen feet at Battery place, nor nearer than one hundred and seventy feet from said pier at the outer end of said slip; and that no pier or wharf shall be hereafter constructed between the north side of

said ferry slip and pier number one, North river; nor the privileges, as at present enjoyed by the occupants of pier number one, in any way interfered with, other than by constructing a bulkhead, which is hereby authorized, between said pier number one and the pier hereby authorized; and provided further, that the ferry slip and bulkhead, herein authorized, shall not be constructed without the consent of the Common Council, hereafter to be granted by an ordinance duly passed; and provided further, that the construction of said slips and bulkhead, and each of them, and the ferry, ferry privilege, and every right, benefit or franchise arising from such slip, bulkhead, ferry or ferry privilege, shall be constructed and granted by the Corporation of the city of New York, in the manner now provided by law: provided, however, that the ferry slip, hereby authorized, shall not be extended beyond, nor interfere with, the exterior line of the harbor of the city of New York, as established by law.

STATE OF NEW YORK, }

*Secretary's Office.* } I have compared the preceding with the original law on file in this office, and do hereby certify that the same is a correct transcript therefrom, and of the whole of said original law.

[L. S.]

Given under my hand and seal of office, at the city of Albany, this twenty-seventh day of April, in the year one thousand eight hundred and fifty-seven.

N. P. STANTON,

*Dep. Secretary of State.*

## AN ACT

TO ESTABLISH BULKHEAD AND PIER LINES FOR THE PORT  
OF NEW YORK.

Passed April 17, 1857.

*The People of the State of New York, represented in Senate  
and Assembly do enact as follows:*

SEC. 1. The bulkhead line, or line of solid filling, and the pier line, adjacent to the shores of the port of New York, are hereby declared and established to be the bulkhead and pier lines recommended to the legislature by the commissioners appointed under the act entitled "An act for the appointment of a commission for the preservation of the harbor of New York from encroachments, and to preserve the necessary navigation thereof," passed March thirty, eighteen hundred and fifty-five, in their reports of January twenty-seven, eighteen hundred and fifty-seven, and March eighteen, eighteen hundred and fifty-seven, and as laid down on the maps accompanying said reports, entitled "Atlas of New York harbor, made under the direction of the harbor commission," in two volumes, except that the exterior or pier head line from Ninth street, extended to Forty-ninth street, on the New York side of East river, shall be the same as the line recommended by the committee of commerce and navigation of the senate, in their report of March seventeenth, eighteen hundred and fifty-six, and on the maps, hereinafter referred to, in red ink; and a sea wall shall be erected on that line, from the northeast corner of the bulkhead at the foot of Seventeenth street, to Thirty-eighth street,



with openings of not less than one hundred feet, and at distances of not less than four hundred and fifty feet apart from centre to centre; and the whole water space between the bulkhead line hereby established, and the sea wall between Seventeenth and Thirty-eighth streets, shall be appropriated for piers, on piles or blocks and bridges, and wet basins, and a continuous bulkhead from Thirty-eighth to Forty-ninth street, which bulkhead shall be the exterior line, and line of solid filling; but no pier or other erection or structure, shall be made outside of the said sea wall or bulkhead from Seventeenth to Forty-ninth street, that is to say:

1. Maps of the shores of the city and county of New York.

2. From a point one mile north of Spuyten Duyvil creek, on the east shore of the Hudson river; thence southerly to the entrance and along the north shores of Spuyten Duyvil creek and Harlem river, and easterly along the north shore of the East river, to Throg's Neck, in the county of Westchester.

3. From the entrance to Little Neck bay, in the county of Queens, westerly along the south shore of the East river, including Flushing and Gowanus bays, and Newtown Creek, to the westerly end of Coney Island, in the county of Kings.

4. The easterly line of the county of Richmond, to the entrance of the Kill van Kull, and thence along the southerly shore of the Kill van Kull, and the southerly and easterly shores of Arthur's Kill, or Staten Island Sound, to a point opposite to the en-



trance of Woodbridge creek, in the state of New Jersey.

5. From the middle of the Kill van Kull, at its entrance from the bay of New York; thence northerly along the westerly shore of the said bay, and along the westerly shore of the Hudson river, in the state of New Jersey, to a point opposite to the entrance of Spuyten Duyvil creek.

6. The several islands in the harbor of the York.

§ 2. It shall not be lawful to fill in with earth, stone, or other solid material, in the waters of said port, beyond the bulkhead line or line of solid filling hereby established, nor shall it be lawful to erect any structure exterior to the said bulkhead line, except the sea wall mentioned in the first section of this act, and piers which shall not exceed seventy feet in width respectively, with intervening water spaces of at least one hundred feet, nor shall it be lawful to extend such pier or piers beyond the exterior or pier line, nor beyond or outside of the said sea wall.

§ 3. It shall be the duty of the said commissioners, within thirty days from the passage of this act, to verify by their signatures, and to file in the office of the secretary of state, there to remain of record, the aforesaid maps, together with a minute written description, by courses and distances, as far as practicable, of the aforesaid lines in front of the cities of New York and Brooklyn, verified in like manner, and file a copy of the description of the said courses and distances in the office of the Street Commissioner of the city of New York, and

the term of the said commissioners is hereby extended to the fifteenth<sup>th</sup> day of May next.

§ 4. This act shall take effect immediately.

STATE OF NEW YORK, }  
Secretary's Office. } I have compared the preceding with the original law on file in this office, and do hereby certify that the same is a correct transcript therefrom, and of the whole of said original law.

[L.S.]      Given under my hand and seal of office, at the city of Albany, this 27th day of April, in the year one thousand eight hundred and fifty-seven.

N. P. STANTON,

*Dep. Secretary of State.*

## AN ACT

TO ENABLE THE SUPERVISORS OF THE CITY AND COUNTY OF  
NEW YORK TO RAISE MONEY BY TAX.

Passed April 16, 1857, three fifths being present.

*The People of the State of New York, represented in Senate  
and Assembly, do enact as follows:*

SEC. 1. The Board of Supervisors of the city and county of New York are hereby empowered, as soon as conveniently may be, after the passage of this act, to order and cause to be raised by tax, on the estate, real and personal, subject to taxation, according to law, a sum not exceeding fifty thousand dollars, for the purpose of paying arrearages in the Department of Repairs and Supplies, for the year one thousand eight hundred and fifty-six.

§ 2. This act shall take effect immediately.

STATE OF NEW YORK, }  
Secretary's Office. } I have compared the preceding  
with the original law on file in this office, and do hereby  
certify that the same is a correct transcript therefrom and  
of the whole of said original law.

[L.S.] Given under my hand and seal of office, at the  
city of Albany, this 27th day of April, in the  
year one thousand eight hundred and fifty-  
seven.

N. P. STANTON,  
*Dep. Secretary of State.*

## AN ACT

TO LEGALIZE THE ACTION OF THE BOARD OF SUPERVISORS OF THE CITY AND COUNTY OF NEW YORK, PROVIDING PAYMENT FOR CERTAIN SURVEYING AND MAPPING PERFORMED FOR SAID CITY AND COUNTY.

Passed April 15th, 1857, three fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SEC. 1. The resolutions passed January twenty-second, eighteen hundred and fifty-seven, by the Board of Supervisors of the city and county of New York, in the following words, viz:

“ *Resolved*, That the bill of Mr. Samuel E. Holmes, for the sum of twenty-five hundred dollars, for surveying and making maps of the Nineteenth Ward of the city of New York, for the use of the Tax Commissioners and Ward Assessors, be and the same is hereby audited and allowed.

“ *Resolved*, That A. V. Stout, Esq., County Treasurer, be and he is hereby directed to draw his warrant for twenty-five hundred dollars, in favor of Samuel E. Holmes, for the services mentioned in the foregoing resolution,” are hereby declared to be valid, and the same shall be carried into effect.

§ 2. This act shall take effect immediately.

STATE OF NEW YORK, }  
Secretary's Office. } I have compared the preceding  
with the original law on file in this office and do hereby

certify that the same is a correct transcript therefrom, and of the whole of said original law.

[L. s.]      Given under my hand and seal of office, at  
the city of Albany, this twenty-seventh day  
of April, in the year one thousand eight  
hundred and fifty-seven.

N. P. STANTON,

*Dep. Secretary of State.*



## AN ACT

TO ESTABLISH A METROPOLITAN POLICE DISTRICT, AND TO  
PROVIDE FOR THE GOVERNMENT THEREOF.

Passed April 15, 1857; three fifths being present.

*The People of the State of New York, represented in Senate  
and Assembly, do enact as follows:*

SEC. 1. The counties of New York, Kings, Westchester and Richmond are hereby constituted, for the purposes of this act, into one district, to be called "The Metropolitan Police District of the State of New York." Immediately upon the passage of this act, and thereafter, from time to time, as required by this act, there shall be appointed by the Governor, and by and with the consent of the Senate, (except that during any recess of the Senate the Governor may appoint, subject to the thereafter consent of the same,) five Commissioners of Police, who shall be the chief officers of the said "The Metropolitan Police District," and who shall severally possess and perform therein the powers and duties authorized and enjoined by this act. The said Commissioners, together with the Mayors of the cities of Brooklyn and New York, *ex officio*, shall form the Board of Police for the said district, and a majority of them shall constitute a quorum of such Board for the transaction of business.

§ 2. Three of said Commissioners shall be appointed from the city of New York, one from Kings county, one from the county of Richmond or Westchester. The persons so first appointed shall thereupon assemble together

in the office of the Secretary of State, and draw lots among themselves, in the presence of the said Secretary of State or his deputy, for three terms of office; one term to expire for three Commissioners upon the first day of May, which will be in the year eighteen hundred and fifty-eight; another term to expire for two Commissioners on the first day of May, in the year eighteen hundred and fifty-nine. Each Commissioner appointed to fill a term succeeding an expiring one, shall be appointed thereafter for a full term of three years, and the appointment for such full term shall be made as provided in section first, and shall be made from the county in which the vacancy occurred. Any vacancy as Commissioner of Police for the said "The Metropolitan Police District" shall be filled by the Board of Police for the residue of the unexpired term. Any one of the said Commissioners who shall, during his term of office, accept any other place of public trust or emolument, or who shall, during the same period, receive any nomination for an office elective by the people, without publicly declining the same within ten days succeeding the said nomination, shall be deemed thereby to have vacated his office. Any one of the Commissioners aforesaid may be at all times removed by the Governor, under the provisions of the statutes relating to the removal from office of sheriffs, which provisions are hereby extended so as to relate to each one of the said Commissioners.

§ 3. Upon the conclusion of the drawing for terms of office provided for in the preceding section, the said Secretary of State or his deputy, shall file a certificate of the result thereof, and give to each Commissioner the proper certificate of his office, according to the term he shall have

so drawn as aforesaid. The said Secretary of State or his deputy, shall then administer the constitutional oath of office to each Commissioner, and make the proper record thereof; whereupon the said Commissioners may organize themselves into a Board of Police for the said "The Metropolitan Police District," and assume control of the police force thereof.

§ 4. The officers of the Board of Police shall be a president and a treasurer, who shall each be selected from among the said Commissioners. The Board shall have power to appoint a chief clerk and six deputy clerks for the said districts, who shall hold office at the pleasure of the said Board. The principal officer of the Board shall be located in such part of the said "The Metropolitan Police District" as may be deemed most advisable and convenient for the transaction of business. The said office shall be rented by the Board and the Superintendent of Police, hereafter created, shall have office accommodations in the same building with that occupied by the said Board. The office accommodations for the two Deputy Superintendents of Police, hereinafter created, may be, at the discretion of the Commissioners, located in any part of the district, except that one Deputy Superintendent of Police shall have office accommodations in the city of Brooklyn.

§ 5. It shall be the duty of the Board of Police hereby constituted, at all times of the day and night, within the boundaries of the said, "The Metropolitan Police District," to preserve the public peace, to prevent crime, and arrest offenders; to protect the rights of persons and property, to guard the public health, to preserve order at every primary and public election; to remove nuisances existing

in public streets, roads, places and highways; to provide a proper police force at every fire, in order that thereby the firemen and property may be protected; to protect strangers and travelers at steamboat and ship landings, and railway stations, to see that all laws relating to the observance of Sunday; and regarding pawnbrokers, mock-auctions, emigrants, elections, gambling, intemperance, lottery policies, vagrants, disorderly persons, and the public health are properly enforced; and to obey and enforce all ordinances of Common Councils and Boards of Supervisors, and town and village authorities within the said "The Metropolitan Police District," which are applicable to police or health.

§ 6. The said duties of the Board of Police shall be more especially executed under the direction and control of said board, and according to rules and regulations, which it is hereby authorized to pass, from time to time, for the more proper government and discipline of its subordinate officers, by a police force for the whole of the said "The Metropolitan Police District;" and authorized to do duty in any part thereof, without regard to residence or county lines. The said police force shall consist of a general superintendent of police, and two deputy superintendents of police; five surgeons of police, and so many inspectors, or captains of police, not to exceed forty; so many sergeants of police, not to exceed one hundred and fifty; and so many police patrolmen as may be determined upon by the Board of Supervisors of the county of New York, to be appointed as a quota of the patrol force, to be paid for by said county; and as many police patrolmen as may be determined upon by the Common Council of the city of Brooklyn, to be appointed as a quota of the



patrol force, to be paid for by the city of Brooklyn; and so many police patrolmen as may be determined upon by the Supervisors of the towns of the county of Kings, not included within the municipal jurisdiction of the city of Brooklyn, to be appointed as a quota of the police force, to be paid for by said towns of the county of Kings; and as many police patrolmen as may be determined upon by the Supervisors of the counties of Richmond and Westchester, to be appointed as a quota of the patrol force, to be paid for by said counties respectively, in the mode and manner hereinafter provided; and the aforesaid authorities may, from time to time, increase or diminish the number of patrolmen; and, until otherwise provided for as aforesaid, the said quota of patrol force for the county of New York, and for the county of Kings, shall be of the number of patrolmen now existing by law in the cities of New York and Brooklyn. The said offices hereby created for the said police force shall be severally filled by appointment from the Board of Police, in the mode prescribed by this act; and, each person so appointed shall hold office only during such time as he shall faithfully observe and execute all the rules and regulations of the said board, the laws of the state, and the ordinances existing within the district enacted by the city, county, town, and village authorities within the same, and which ordinances apply to such part of the district where the members of the police force may be on duty.

§ 7. The qualifications, enumeration and distribution of duties, mode of trial and removal from office of each officer of said police force, shall be particularly defined and the prescribed by rules and regulations of the Board of Police, in accordance with the constitution and laws of this state;



provided, however, that no person shall be so appointed to office, or hold office in the police force aforesaid, who cannot read and write the English language or who is not a citizen of the United States, or who shall not have resided within the said, "The Metropolitan Police District" during a term of five years next preceding his appointment, or who shall ever have been convicted of crime; and provided that no person shall be removed therefrom, except upon written charges preferred against him to the Board of Police, and after an opportunity shall have been afforded him of being heard in his defence; and provided, that whenever any vacancy shall occur as inspector of police, the same shall be filled by an appointment from among the persons then in office as sergeants of police; and a like vacancy in the office of sergeants of police shall be filled by appointment from among the persons then in office as patrolmen.

§ 8. The members of the police force of the said, "The Metropolitan Police District" shall possess, in every part of the state of New York, all the common law and statutory powers of constables, except for the service of civil process; and any warrant for search or arrest issued by any magistrate of the state of New York, may be executed in any part of the state by any member of the police force of the said, "The Metropolitan Police District," without any backing or indorsement of the said warrant, and according to the terms thereof; and all the provisions of sections seven, eight and nine, of chapter two, title two, part four of the Revised Statutes in relation to the giving and taking of bail, shall apply to this act. The general and deputy superintendents and inspectors or captains of police, having just cause to suspect that any felony has

been or is being, or is about to be committed within any building, or on board of any ship, boat or vessel within the said, "The Metropolitan Police District," may enter upon the same at all hours of the day and night, to take all necessary measures for the effectual preservation or detection of all felonies, and may take then and there into custody all persons suspected of being concerned in such felonies, and also may take charge of all property which he or they shall have then and there just cause to suspect has been stolen.

§ 9. If the general superintendent of police shall report in writing to the Board of Police that there are good grounds for believing any house or room within the said "The Metropolitan Police District" to be kept or used as a common gaming house or cock-pit, and if two or more householders, dwelling within the said district and not belonging to the Metropolitan Police aforesaid, shall make oath in writing before any one of the commissioners of police, and annexed to the said report, (which oath every commissioner of police is hereby empowered to administer, receive and subscribe,) that the premises complained of by the general superintendent of police, are commonly reported and believed by the deponents to be kept as a common gaming house or cock-pit, it shall be lawful for any commissioner of police, by order in writing, to authorize the said general superintendent, or either deputy superintendent of police, to enter upon such premises, together with such members of the patrol force as shall be directed by the said commissioner, by name, to accompany him or them, and, if necessary, to use force for the purpose of effecting such entry, whether by breaking open doors or otherwise, and to take into custody all persons

who shall be found therein, and destroy all implements of gaming found therein, and forthwith to convey the said persons before any magistrate of the district, who shall forthwith proceed to hear the proof whether or no any of such persons were in such premises for the purpose of gaming; and if there shall be probable cause for believing that any of such persons were so in such premises for the purpose of gaming, then the said magistrate shall forthwith order, by due commitment, any of the said persons to find good bail, with two householders of the Metropolitan Police District as his sureties. conditioned for his appearance at the proper criminal court of the county wherein the said premises are situated, having jurisdiction to try misdemeanors, either at the term thereof then in being, or at the next term thereof, to answer any indictment which may be found thereat, charging him with being in the said premises as a common gambler, or in default thereof, the said magistrate shall commit to the common jail or city prison of the county for such trial. The said magistrate shall immediately send the proofs in writing to the District Attorney of the county, whose duty it shall be, in preference to any other case in his office of prosecution for any offence, to lay the same before the grand jury of the county, and upon indictment being thereupon found, to immediately try the same in preference to every other case, subject to the discretion of the court. It shall be sufficient in the said indictment to charge that the defendant, (naming him,) upon a day certain, and at an hour certain, was arrested within a common gaming house and is a common gambler. If the jury are satisfied that the premises in which he was arrested, was kept for purposes of gaming, and that he was present for the purpose of gaming, then

the said defendant may be convicted as a common gambler. If convicted as such common gambler, then the court shall forthwith sentence him as for a misdemeanor, to an imprisonment not less than ten days in the jail of the county, or penitentiary not exceeding one year, and at hard labor therein, or to a fine not less than two hundred and fifty dollars, nor more than one thousand dollars. The phrase "purposes of gaming" in this section, shall be taken to mean any purpose of playing for wagers of money at any game of chance, by whatsoever name the same shall be known. If the said implements of gaming seized shall have annexed to the same any thing of value, apart from their value as such implements, the said thing of value so annexed to the implements ordered to be destroyed, shall be returned to the owner thereof.

§ 10. It is hereby made the duty of the board of police, for more effectually distributing and enforcing its police government and discipline, to divide the said, "The Metropolitan Police Districts," into precincts not exceeding forty, and without regard to county or ward boundaries, and to assign one inspector or captain of police, and four sergeants of police to each of said precincts. The board may, from time to time, establish a station or substations, in each precinct, for the accommodation of the police force on duty therein. It may, from time to time, detail and change, without regard to, or limitation of, residence, inspectors or captains, sergeants and patrolmen and doormen, to such parts of the district, rivers, creeks and harbors therein, or to such of the police and criminal courts, and to the public offices of the government of the cities of New York and Brooklyn and the quarantine, and emigration offices as it may deem advisable. It shall not



suspend members of the police force from pay for more than thirty days. It shall promulgate all regulations and orders through the general superintendent of police, who shall take the place of the Mayor of the city of New York and of the city of Brooklyn, as being the head of the Police Department or force of the said cities, but always subject to the orders and regulations of the board of police; and it shall be the duty of the police force to respect and obey the said general superintendent of police as the head and chief of the same, subject to the rules and regulations and general orders of the Board of Police.

§ 11. The Board of Police, whenever it shall see fit, shall on the application of any person or persons, showing the necessity thereof, appoint and swear any additional number of patrolmen, to do duty at any place within "The Metropolitan Police District," at the charge and expense of the person or persons by whom the application shall be made; (but not to exceed the yearly sum provided for patrolmen of the force, provided by this act as the general police force,) and the patrolmen so appointed shall be subject to the orders of the Board of Police, and shall obey the rules and regulations of the Board, and conform to its general discipline, and to such other special regulations as may be made, and shall wear such dress or emblem, as the board may direct, and shall, during the term of their holding appointment, possess all the powers, privileges and duties of the patrol force, heretofore prescribed. The persons so appointed may be removed at any time by the Board of Police, without assigning cause thereof, upon one month's notice of the intention so to do, given to the person or persons who applied for the appointment as aforesaid. The Board of



Police may also, upon any emergency, of riot, pestilence, invasion, or during any day of public election or celebration, appoint as many special patrolmen, without pay, from among the citizens as it may deem advisable, and for a specified time, and during the term of service of any such special patrolmen, he shall possess all the powers and privileges, and perform all the duties of the patrolmen of the standing police force of the district, but the Board of Police, in making such appointments, shall in no way interfere with the force of the lawful command of the sheriffs of counties, as now provided for by law, and such special patrol shall wear any emblem to be prescribed by the Police Commissioners.

§ 12. No member of the police force, under penalty of forfeiting the pay which may be due to him, shall withdraw or resign from the police force, unless he shall have given one month's notice thereof, in writing, to the general superintendent of police, and no person who shall ever have been removed from the police force established by this act, for cause, shall be reappointed by the Board of Police to any office in the said police force.

§ 13. All stolen property taken by members of the police force, shall be kept in a place, and by a person to be designated by the Board of Police. Every such article of property shall be entered in a book kept for the purpose, together with the name of the owner, if ascertained, and the name of the place where found, and of the person from whom taken, with the general circumstances, and the date of its receipt, and the name of the officer recovering the same. The Board of Police shall also cause to be kept general complaint books, in which shall be

entered every complaint, preferred upon personal knowledge of the circumstances thereof, with the name and residence of the complainant. It shall also cause to be kept books for the registry of lost, missing or stolen property, for the general convenience of the public and of the police force of the district. It shall also cause to be kept book of records of "The Metropolitan Police District," wherein shall be entered the name of every member of the police force, with his time and place of nativity, the time and place when he became a citizen, if he was born out of the United States, his age, his former occupation, number of family and residence thereof, the date of appointment or dismissal from office, with the cause of the latter. And in every such record, sufficient space shall be left against all such entries wherein to make record of the number of arrests made by such member of the police force or of any special services deemed meritorious by the inspectors or captains of police. It shall also cause to be kept in proper books, the accounts of the treasurer of the Board, and number of the several meetings thereof, and all receipts for moneys or warrants or checks for moneys, shall be written in books kept for the purpose, and the said receipts signed by the person or persons in every case receiving money, warrants, or checks from the treasurer. All such books shall be, at all business hours, and when not in actual use, open to public inspection. The Board of Police shall also cause to be kept and bound all police returns and reports of the districts.

§ 14. It shall be the duty of the Common Councils of the cities of New York and Brooklyn respectively, in accordance with the practice and ordinances now exist-

ing therein, to provide, at the expense of said cities, respectively, all necessary accommodations within such precincts of the said "The Metropolitan Police District," as shall be contained within the boundaries of the said cities respectively, for the station-houses required by the Board of Police for the accommodation of the police force of such precincts; for the lodging of vagrants and disorderly persons, and for the temporary detention of persons arrested for offences. It shall also be the duty of the said Common Councils respectively to furnish the same suitably, and to warm and light the same by day and night. In case the said Common Councils or either of them neglect or refuse so to do, after having been thereto requested by the Board of Police, then the said Board may make their own provisions in the premises, and the same, when made, shall become a proper charge and debt for the expenses and disbursement thereof against the said city or cities, whose Common Council has so neglected or refused to make provision as aforesaid. The accommodations required in the counties of Richmond and Westchester, and in the county towns of King's county, respectively, shall be those ordinarily made and used therein by the criminal authorities, of each town or village therein; and so far as the detention of persons under arrest, is concerned, the same shall be lawful in any part of the said "Metropolitan Police District," without regard to county lines therein, on direction to that effect by any inspector or captain of police; and in every case of arrest the same shall be made known, within six hours thereafter, to the inspector or captain upon duty, in the precinct wherein the arrest was made by the person making the same, and it shall be

the duty of the said inspector, within twelve hours after such notice, to make written return thereof, according to the rules and regulations of the Board of Police, together with the name of the party arrested, the offence, the place of arrest and the place of detention. The Board of Police shall provide suitable accommodation within the said "The Metropolitan Police District," for the detention of witnesses who are unable to furnish security for their appearance in criminal proceedings, and such accommodations shall be in premises other than those employed for the confinement of persons charged with crime, fraud, or disorderly conduct; and it shall be the duty of all magistrates, in committing witnesses, to have regard to the rules and regulations of the Board of Police, in respect to their detention.

§ 15. All telegraphic apparatus, public police property, books, records and accoutrements, now in the possession of the Police Departments of Brooklyn and New York, are hereby given for the use, (at the proper places, within the county of Kings and Brooklyn, not to be removed from the county wherein now used,) of the Board of Police herein authorized; but the ownership of the same, and the use thereof, as aforesaid, shall be according to the ordinances which the Common Council of the cities in which the said property is situated, have enacted or may hereafter enact. The Board of Police shall have power to enact and maintain, under the general laws of the state, relating to the telegraph lines, all such lines of telegraph in such places within the said district, as for purposes of police the Board shall deem necessary.

§ 16. The necessary expenses incurred in the execution



of criminal process within the said "The Metropolitan Police District," shall be a county charge, only against the county from which the said process issued.

§ 17. The constables elected by the electors within the counties of Westchester and Richmond, and in the county town of Kings, shall possess all the powers conferred by this act upon patrolmen of the police force. The Board of Supervisors in each of the said last-mentioned counties, and the Supervisors of the county town of Kings, in board assembled, may call upon the Board of Police to appoint for duty, within the precincts of which the said county shall be a part, as many additional inspectors or captains, sergeants and patrolmen, as it shall enumerate and describe, upon appropriations to the police fund, the necessary expenses and salaries to be incurred thereby. Any of the village or town authorities within the said counties respectively, may also make such demand upon the Board of Police, upon making the like provisions of pay; and it shall be the duty of the Board of Police to appoint such officers, who shall thereafter become regular members of the police force of the district, and subject to all the rules and regulations of the Board, discharge the duty and possess powers and privileges as such members. The Supervisors of the counties of Richmond, Westchester and Kings are hereby authorized, from time to time, to levy and raise by tax upon the real and personal property taxable within each county, such sum or sums of money as may be required to carry into effect the provisions of this section, or the police purposes of this act.

§ 18. No person holding office under this act shall be liable to military or jury duty, nor to arrest, on a civil pro-



cess, or to service of subpoena from civil courts, whilst actually on duty.

§ 19. The health officer of the port of New York shall have power, at all times, to call upon any of the police force of the district, to a number not exceeding ten, to aid him upon any necessary emergency, in enforcing the powers and duties conferred upon his office by law, and it shall thereupon become the duty of any such member of the police force, so called upon, to obey him. But such service shall not continue longer than twenty-four hours.

§ 20. The Board of Police shall, at all times, cause the ordinances of the cities of New York and Brooklyn to be properly enforced, and it shall be the duty of said Board, at all times, whenever consistent with the rules and regulations of the Board, and with the requirements of this act, to furnish all information desired, and comply with all the requests made by the Common Councils of the said cities, or by the Mayors thereof, or by the Boards of Supervisors of the counties of Westchester and Richmond and the county town of Kings. The Board of Police is hereby invested with all the powers now conferred by law upon the Mayors of New York or of Brooklyn, in respect to ordering military assistance in aid of the civil authorities, to quell riots, suppress insurrection, protect the property and preserve the public tranquillity. The Board of Police shall appoint all court clerks prescribed to the judicial districts in which police justices are elected in the city and county of New York, and it shall designate the courts at which they shall do duty respectively. The Board of Police shall have power to issue subpoenas, attested in the name of its president, to compel before it the at-

tendance of witnesses, upon any proceeding authorized by its rules and regulations. Each Commissioner of Police, the general superintendent of police, and each deputy superintendent of police, and the chief clerk of the Board of Police are hereby given power to administer, take, receive and subscribe all affirmations and oaths to any witness summoned and appearing in any matter or proceeding authorized as aforesaid, or to any depositions necessary by the rules and regulations of the Board of Police. Any wilful and corrupt false swearing by any witness or person making deposition before any of the officers last-mentioned, to any material fact in any necessary proceeding under the said rules and regulations, shall be deemed perjury, and punished in the manner now prescribed by law for such offence. The provisions of law now existing, in respect to attachment of witnesses before Committees of the Common Council of New York, and to the compulsory attendance of the said witnesses to appear and testify before them, are hereby applied to the case of witnesses subpoenaed before the Board of Police.

§ 21. It shall be the duty of the Board of Police to detail, on the day of any election within the cities of New York and Brooklyn, at least two patrolmen to each election poll, and shall, in and for each of the said cities, appoint all poll clerks provided for by law, and shall, in and for the said cities, provide ballot boxes for use at general, special and charter elections, and keep custody of the said boxes, except during the taking, receiving and counting of the votes. It shall not be lawful for any person to publicly keep or dispose of any intoxicating liquors upon the first day of the week, called Sunday, or upon any day of public

election within the said "The Metropolitan Police District" under a penalty of fifty dollars for each offence, to be sued for and recovered in the name of the people of the state of New York, by the District Attorney of the county wherein the offence is committed, for the benefit of the police contingent fund hereby authorized; and it shall be the duty of the Board of Police to strictly enforce the provisions of this section by its proper order in respect thereto. It shall be the duty of the said Board to prevent any booth or box, for the distribution of tickets at any election, to be erected or maintained within one hundred and fifty feet of any polling place within said district.

§ 22. It shall be a misdemeanor punishable by imprisonment in the county jail or penitentiary, if there be a penitentiary in the county where the conviction is had, not less than one year, nor exceeding two years, or by a fine not less than two hundred and fifty dollars, for any person, without justifiable or excusable cause, to use personal violence upon any elector in the Metropolitan Police District, or upon any member of the police force thereof, when in the discharge of his duty, or any such member to neglect making any arrest for an offence against the law of the state, committed in his presence, or for any person, not a member of the police force, to falsely represent himself as being such member, with a fraudulent design.

§ 23. The treasurer of the Board of Police shall receive an annual stated salary of three thousand dollars, and each other commissioner shall receive an allowance of eight dollars for each day of actual service, the same to be certified to the Comptroller of the State by the trea-

surer of the Board; but no other compensation shall be paid or allowed to the members of the Board. The General Superintendent of Police shall receive a like salary of three thousand dollars; each deputy superintendent of police shall receive a like salary of two thousand dollars; each surgeon of police shall receive a like salary of fifteen hundred dollars; each inspector or captain of police shall receive a like salary of twelve hundred dollars; each sergeant of police shall receive a like salary of nine hundred dollars; the chief clerk to the Board of Police shall receive a like salary of two thousand dollars; and each deputy clerk, a like salary of one thousand dollars. The pay of each police patrolman shall be at the rate of eight hundred dollars, and that of each doorman at the rate of seven hundred dollars per year. The salaries shall be paid quarterly, and the pay monthly, to each person entitled thereto. The salary of each commissioner shall be paid to him by the Comptroller of the State, out of the police fund. Each inspector or captain shall receive monthly, from the treasurer of the board, the sums required for the pay of the patrolmen and doormen doing duty within his police district precinct. No member of the Board of Police or of the police force, shall receive or share in, for his own benefit, under any pretence whatsoever, any present, fee, gift or emolument for police services, other than the regular salary and pay provided by this section, except by unanimous consent of the Board of Police.

§ 24. All rewards, fees, proceeds of gifts and emoluments that may be allowed by the Board of Police, to be paid and given for account of extraordinary services of any member of the police force, and all moneys arising



from the sale of unclaimed goods shall be paid into the bank wherein the treasurer of the Board of Police shall be required, as hereinafter provided, to keep his account. The payments so made shall constitute a fund, to be called the "Police Life and Health Insurance Fund," and the persons who shall, from time to time, fill the office of the said treasurer of the Board of Police, and that of the Comptrollers of the cities of New York and Brooklyn, are hereby declared the trustees of the said fund, and may invest the same, as they shall see fit, either in whole or in part.

§ 25. Whenever any member of the police force, in the actual performance of his duty, shall become bodily disabled, his necessary expenses, on the certificate of a surgeon of the police, stating the manner, cause and condition of injury, and approved by the Board of Police, during the time his disabling, as aforesaid, continues, may become a charge upon the fund provided for in the preceding section. If such bodily disabling is likely to continue for life, on the like certificate to that effect and the like approval, the sum of one thousand dollars may be chargeable upon the said fund, to be paid to the person so injured. If any member of the police force, in the performance of his duty, shall be killed or shall die from the effect of any injury received by him whilst in such performance, and there shall be any person absolutely interested, pecuniarily, in the continuance of his life, a sum of two thousand dollars may be chargeable against the said last-mentioned fund, to be paid to the person so interested. In every case the Board of Police shall inquire into the circumstances, and if satisfied that the charge upon the said fund is correct, shall order the same to be paid by the draft of



the said trustees upon the said fund, each writing his signature thereto. But the provisions of this section shall not apply to special patrolmen, appointed as herein before provided for, at the request and expense of private parties.

§ 26. The Board of Supervisors in the county of New York, and the Joint Board of Supervisors and Aldermen of the city of Brooklyn, and Kings respectively, shall annually raise and collect by tax upon the real and personal property taxable within the cities of New York and Brooklyn, such sums of money as the Boards of Police for the said "The Metropolitan Police District," on or before the first Monday of June in each year, shall apportion as requisite and needful to be raised by each city and county, which several sums of money shall be applied by the said Board of Police for the fiscal purposes of this act. But such apportionment shall not be legal or binding upon the respective Boards of Supervisors above-mentioned, if the apportionment of tax made to each county aforesaid shall exceed the sum which shall be necessary to maintain police accommodations and the police force used and employed within each or either of the said counties, according to the action of the Board of Supervisors, nor unless the said apportionment shall be first approved by a majority vote of an auditing committee, composed of the President of the Board of Supervisors in each of the counties embraced by the said "The Metropolitan Police District," and by the Comptrollers of the cities of New York and Brooklyn respectively. The said several sums of money apportioned, levied and collected within each of said cities of New York and Brooklyn, shall be in lieu of all taxes

within each of the said cities for the support of police governments therein.

§ 27. Such several sums of money, provided for by the preceding section, when collected, shall be paid into the treasury of the said respective cities, and shall be styled the Police Fund, and next immediately paid into the treasury of the state of New York, and shall be paid therein and therefrom under the fiscal regulations of law relating to the School Fund of the state of New York, at least once a month, but not in a sum exceeding, at any one time, one sixth of the whole yearly sum collected; and the sums of moneys collected by the respective cities aforesaid, for the purposes of police therein during the years eighteen hundred and fifty-six and eighteen hundred and fifty-seven, and not expended, in the respective treasuries of the said cities, shall, immediately upon the organization of the Board of Police, and after due notice to that effect served upon the Comptroller of the city and county of New York and the City Treasurer of Brooklyn, be paid into the state treasury, as part of the Police Fund, and disbursed, as before provided, to the treasurer of the Board of Police, on his proper warrant in like manner, as aforesaid.

§ 28. The Treasurer of the Board of Police shall disburse all moneys required for the purposes of the said Board, but always upon his check or warrant upon the funds to the credit of the Board, which shall be deposited by the said treasurer in such bank or banks within "The Metropolitan Police District," as shall be designated for that purpose by the Comptroller of the state of New York. No expenses other than salaries and pay herein provided

shall ever be incurred by the Board of Police, except for rents, stationery, printing, advertising, fuel and lights, unless the same shall be expressly authorized, and provision therefor made as a separate county or city charge by the Board of Supervisors for the county, or the joint Board of the Supervisors and Aldermen of the city of Brooklyn, within which the expenditure becomes necessary.

§ 29. The treasurer of the Board of Police shall, before entering upon the duties of his office, execute a bond by himself, together with sufficient sureties, not less than two, in a penalty of fifty thousand dollars to the people of the the state of New York, conditioned for the faithful performance of his duties; the sureties to justify before a Justice of the Supreme Court of the first or second judicial district. This bond shall be approved by the Comptroller of the state of New York, and shall be filed in the office of said Comptroller. Whenever any of its conditions shall be violated, the said bond may be sued upon by the Attorney-General of the state, and the proceeds of suit paid to the credit of the Police Fund, provided by section twenty seven.

§ 30. The Board of Police shall require and make suitable provisions respecting security to be entered into by the general and deputy superintendents of police, and by the inspectors of police, and for the taking by members of the police force of an oath of office, and the registry of the same in a book to be kept for that purpose by the Board of Police, which oath of office may be taken before any commissioner of police, who is hereby empowered to administer and receive the same.

§ 31. From and after the first meeting of the Board of Police, under the provisions of this act, it shall possess all the power and authority heretofore conferred by law upon the Board of Commissioners of Police of the city of New York, or upon the Mayor, Recorder, and City Judge of said city as Police Commissioners, or upon the Mayors of New York and Brooklyn respectively, as the heads therein of the respective police departments of those cities, or upon the Aldermen of the city of Brooklyn, which power and authority shall relate to or in any way be connected with the police government, police appointments, or police discipline within either of said cities, or within the counties of Kings and New York; and from and after the said first meeting of the Board of Police of "The Metropolitan Police District," the duty and authority and power of each and all of the aforementioned officers in relation to police government, appointment and discipline shall wholly cease, and rest, as aforesaid, in the said Board of Police constituted by this act, except that the Mayors of Brooklyn and New York shall be, with the commissioners, members, ex officio, of the Board of Police, and entitled to one vote each at every session thereof, when present at its meetings.

§ 32. From and after the passage of this act, the designation of Chief of Police in the cities of New York and Brooklyn shall be, respectively, Deputy Superintendents of Police, and the persons filling the first-mentioned offices shall continue, under their new name, to discharge, as before, the duties of heads of the police department in the said respective cities, but only until a General Superintendent of Police shall be elected and appointed by the Board of Police, from and after which they shall discharge



duty, respectively, as his deputies. From and after the passage of this act, captains of police in New York and Brooklyn shall be designated as inspectors or captains of police; lieutenants and assistant captains of police, in said cities, shall be designated sergeants of police, and perform duty concurrently with the sergeants then in office, until the Board shall regulate the proper number of such sergeants according to the terms of this act; and policemen shall be designated patrolmen. The present wards of the said cities shall be police precincts within "The Metropolitan Police District" until new ones are made by the Board of Police. The police in the cities of New York and Brooklyn, officers and patrolmen, shall continue to do duty under existing laws, at the passage of this act, and according to the regulations of the departments of New York and Brooklyn, until after the first meeting of the Board of Police, under this act, when the said police shall hold office and do duty under the provisions of the act hereby enacted, and as members of the police force of "The Metropolitan Police District" hereby constituted.

§ 33. The Board of Police shall remove from office any one of the present members of the police departments of New York or Brooklyn, not possessed of the qualifications set forth in section seven of this act, but shall proceed in the manner prescribed in the seventh section of this act.

§ 34. The General Superintendent of Police shall make, to the Board of Police, quarterly reports, in writing, of the state of "The Metropolitan Police District," with such statistics and suggestions as he may deem advisable for the improvement of the police government and discipline of said district. The Board of Police shall, on or before



the first Monday in December in each year, report in writing the condition of the police within the said police district to the Governor of the state.

§ 35. All statutes, parts of statutes and provisions of law inconsistent with the provisions of this act are hereby repealed, together with all modes and qualifications of appointment to office, as members of police departments or of elections to office therein, inconsistent with the provisions of this act, whether such statutes, provisions, and modes and qualifications relate to the city of Brooklyn or to the county of Kings, or to the city and county of New York.

§ 35. Whenever, in any statute not inconsistent with this act, the words chief of police shall occur, it shall be taken to mean general superintendent of police; in like manner the words captain of police shall be deemed to mean inspector or captain of police; in like manner the words lieutenant or assistant captains of police shall be taken to mean sergeants of police; and the words policemen and patrolmen shall be identical in meaning in any act not repealed by this act.

STATE OF NEW YORK, }

*Secretary's Office.* } I have compared the preceding with the original law on file in this office, and do hereby certify the same to be a correct transcript therefrom, and of the whole of said original law.

Given under my hand and seal of office,  
[L. S.] at the city of Albany, in the year one thousand eight hundred and fifty-seven.

N. P. STANTON,

*Dep. Sec. of State.*

## AN ACT

AUTHORIZING THE MAYOR, ALDERMEN AND COMMONALTY OF THE CITY OF NEW YORK, TO ERECT A NEW CITY HALL IN SAID CITY, RAISE MONEY BY LOAN FOR THAT PURPOSE, AND TO APPOINT COMMISSIONERS FOR THAT PURPOSE.

Passed April 17th, 1857, three fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SEC. 1. Richard M. Blatchford, Gustavus A. Conover, Robert Emmet, Edwin D. Morgan, Henry Erasson, are hereby appointed Commissioners of the new City Hall, in the city of New York, and all vacancies which may occur among the said commissioners shall be filled by the Common Council.

§ 2. It shall be the duty of the said commissioners to direct and superintend the erection of a new City Hall, in the city of New York, upon that portion of the Park lying on the rear of the present City Hall, bounded by Broadway, Chambers and Centre streets, or so much thereof as may be found necessary. But before deciding on any plans or specifications, it shall be their duty to offer to the proper authorities of the United States government, to conform any portion of the interior plans of said building to the purpose of a post-office, and the accommodation of the courts of the United States, and to convey to the United States government the portion of ground covered

by said building so occupied. And the Mayor, Aldermen and Commonalty of the city of New York are hereby authorized and empowered to make conveyance by deed of grant or lease, of any portion of the Park to the government of the United States, for the erection thereon, at the expense of the said government, of such building, for the purposes of a post-office, or accommodation for the Courts of the United States held in said city, and for the officers attached to said courts, upon being duly compensated for the same, and in case of such conveyance by the city, the jurisdiction of the state of New York over said ground shall be hereby released to the government of the United States for such purposes, reserving, however, to the state of New York, concurrent jurisdiction relative to all civil and criminal processes.

§ 3. The said commissioners shall have power to decide upon the plans and specifications, to advertise for and receive proposals, to make contracts, and to do all and every thing necessary to the building and completion of the same, under the provisions of this act.

§ 4. The said commissioners shall have full power to employ architects, engineers, superintendents, clerks, and such other necessary assistants as may be required for the construction of the said City Hall, the compensation of such architects, engineers, superintendents, clerks and assistants, to be fixed by the commissioners, by and with the consent of the Common Council. The said commissioners shall receive as compensation, not exceeding five dollars per day, for each day's actual attendance on their duties, to be certified to the Comptroller under oath.

§ 5. The provisions of all acts applicable to contracts of the said Mayor, Aldermen and Commonalty requiring appropriations of money to fulfill the same, are hereby declared applicable to the contracts to be made by the said commissioners so far as the same are not inconsistent with this act. The contracts entered into by the said commissioners on behalf of the said Mayor, Aldermen and Commonalty shall be filed in the office of the Comptroller within ten days after the same shall be executed.

§ 6. The said commissioners shall keep full minutes of their proceedings, which shall be filed in the office of the Clerk of the Common Council of the city of New York, within ninety days after the said new City Hall shall be fully completed.

§ 7. It shall be lawful for the said Mayor, Aldermen and Commonalty to raise by law, from time to time, and in such amounts as they may think fit, a sum not exceeding two millions of dollars, by the creation of a public stock, to be called "New City Hall Stock of the city of New York," which shall be redeemable in the year one thousand eight hundred and seventy-five, out of the Sinking Fund of the said city of New York, and shall bear an interest not exceeding six per cent. per annum.

§ 8. It shall be lawful for the said Mayor, Aldermen and Commonalty to determine what shall be the nominal amount or value of each share of the said stock, and of what number of shares the same shall consist, and the commissioners are hereby authorized to sell and dispose of such shares at public auction, and to issue certificates therefor on such terms as they shall think proper, provided

that the stock shall not be sold at less than its par value.

§ 9. The provisions of the act entitled "an act to regulate the finances of the city of New York," passed June eighth, eighteen hundred and twelve, which are not repugnant to, or incompatible with, any provisions in this act contained, shall apply to said stock.

§ 10. It shall be lawful for the Supervisors of the city and county of New York, to order and cause to be raised by tax on all property subject to taxation within said city and county, in addition to the ordinary taxes, yearly, and every year, a sum of money sufficient to pay the interest annually accruing on said stock.

§ 11. The moneys to be raised by virtue of this act shall be applied to the erection and completion of a new City Hall in said city of New York, and to no other purpose whatsoever.

§ 12. The commissioners appointed under this act shall not be directly or indirectly interested in the plans and specifications for said building, or in any contract for work to be done or materials to be furnished therefor, and said commissioners, or either of them, for any violation of the provisions of this act, may be removed by the Mayor, by and with the approval of the Board of Aldermen.

§ 13. This act shall take effect immediately.

STATE OF NEW YORK, }  
Secretary's Office. } I have compared the preceding with the original law on file in this office, and do here-



by certify that the same is a correct transcript therefrom  
and of the whole of said original law.

Given under my hand and seal of office,  
at the city of Albany, this first day of  
[L. S.] May in the year one thousand eight  
hundred and fifty-seven.

N. P. STANTON,  
*Dep. Secretary of State.*

## AN ACT

TO REGULATE THE USE OF THE SLIPS AND WHARVES OF THE CITY OF NEW YORK, BETWEEN PIERS NUMBER TWO AND NUMBER TWELVE, EAST RIVER.

Passed April 13, 1857.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SEC. 1. All that part of the water adjacent to the wharves of the city of New York, from the east side of pier number two to and including the east side of pier number nine, East river, shall hereafter, from the twentieth day of March to the twentieth day of December in each and every year, be set apart, kept and reserved, to the extent specified in this act, for the use and accommodation of canal boats and barges engaged in the business of transporting property on the Hudson river or coming to tide water from the canals of the state, arriving in said city from the city of Albany, or any port or place north or west thereof, and barges transporting property to and from the termini of the New York and Erie, New York Central and Hudson River Railroads, and that piers numbers ten, eleven, and the west side of pier number twelve, East river, inclusive, shall hereafter be set apart, kept, and reserved for the use and accommodation of the regular packet lines of sailing vessels, propellers and barges, now occupying berths on piers nine, ten, eleven, and the west side of pier twelve, and running to and from the following ports, to wit: Boston, Massachusetts; Ports-

mouth, New Hampshire; Philadelphia, via the Delaware and Raritan Canal; Wilmington, North Carolina; Savannah, Georgia; Charleston, South Carolina; Apalachicola, Florida; Mobile, Alabama; New Orleans, Louisiana, and Matagorda, Texas.

§ 2. It shall be the duty of the Harbor Masters or other officer or officers of said city, who are now or hereafter shall be, empowered by law or by any ordinance of said city, to regulate and station ships and vessels in the harbor of said city, and they shall have power to prohibit and prevent all other boats, ships and vessels from entering any of the slips, or approaching, or lying at any of the wharves between the piers named in the preceding section, during the period therein specified, when such slips and wharves shall be required for the use and accommodation of the vessels, boats and barges mentioned in said section. In case any boat, ship or vessel, not entitled, according to the provisions of this act, to use said waters, shall have entered any of said slips, or shall be lying at any of said wharves during the period aforesaid when such slip or wharf shall be needed or required for the use or accommodation of any of the vessels, boats or barges, specified in the preceding section, it shall be the duty of the said Harbor Masters, or other officer or officers, and they shall have power forthwith to remove such boat, ship or vessel from such slip or wharf, so far as may be necessary to accommodate the vessels, boats and barges, entitled as aforesaid to the use of said slips or wharf.

§ 3. Any person resisting or refusing, or neglecting to comply with any order or direction of any harbor master or other officer, given in pursuance of this act, in rela-

tion to any boat, ship or vessel, under the command or control of such person, and any person whatever who shall resist or oppose any harbor master, or other officer in the performance of the duties of his office, under this act, shall, for every such offence, forfeit and pay the sum of fifty dollars, to be recovered, collected and applied in the manner provided for the recovery and application of the penalties imposed and specified in the third section of the act entitled "An act relating to the Harbor Masters of the port of New York," passed March sixteenth, eighteen hundred and fifty.

§ 4. Nothing herein contained shall be construed to take away, or in any respect impair the right of the owner or lessee of any wharf, slip or pier mentioned in this act from demanding, collecting and receiving the usual and legal rates of wharfage, for all boats, ships and vessels using or occupying said wharves, ships and piers, nor shall any thing herein be construed to prevent the free use of the waters and wharves specified in the preceding section, when such waters and wharves are not required for the use and accommodation of the vessels, boats and barges described in said first section, nor to be construed so as to prevent any vessel from hauling along side of any vessel, barge or canal boat to land cargo and receive cargo, or from laying along side of such vessel, boat or barge a sufficient length of time to transfer cargo with all reasonable dispatch, nor shall any thing herein contained be so construed as to disturb or interfere with any existing rights of occupancy granted by ordinances or resolution of the Mayor and Common Council of the city of New York, in favor of any of the lines of river barges or canal boats aforesaid.

§ 3. This act shall take effect immediately.

STATE OF NEW YORK, )

*Secretary's Office.* } I have compared the preceding  
with the original law on file in this office, and do hereby  
certify that the same is a correct transcript therefrom, and  
of the whole of said original law.

[L.S.]                      Given under my hand and seal of office, at the  
city of Albany, the first day of May, in the  
year one thousand eight hundred and fifty-  
seven.

N. P. STANTON,  
*Dep. Secretary of State.*



## A N A C T

### RELATING TO THE BOARD OF SUPERVISORS OF THE CITY OF NEW YORK.

Passed April 15, 1857, three fifths being present.

*The People of the State of New York, represented in Senate  
and Assembly, do enact as follows:*

SEC. 1. The Mayor and Recorder of the city of New York shall cease to be members of the Board of Supervisors of the county of New York. There shall be voted for, at each and every charter election hereafter to be held in the city of New York, twelve Supervisors, who shall, together, compose the Board of Supervisors of the county of New York, and hold office for one year from the first of January in each and every year hereafter. They shall be voted for upon a separate general ticket, but only six names for Supervisors shall be upon one ticket. The six persons receiving the highest number of votes shall be declared elected by the Board of City Canvassers, who shall canvass the votes in the same manner as they are required to canvass votes for charter officers; and all the provisions of law relating to election of charter officers are hereby applied to the election of Supervisors. On or before the twenty-fourth day of December, in each and every year succeeding the charter election, the Mayor of the city shall appoint, as Supervisors, the six persons receiving severally the highest number of votes next to the votes received by the six Supervisors having the return of the Board of City Canvassers.

§ 2. The vote of a majority of all the members elected to the Board of Supervisors shall be necessary to pass any act, ordinance or resolution appropriating money; and every act, ordinance or resolution which shall have passed the said Board of Supervisors, except such as levy any special tax or taxes, before it shall take effect, shall be presented, duly certified to the Mayor of the city of New York, for his approval. If he approve, he shall sign it; if not, he shall return it, with his objections, to the Board, within ten days thereafter, or if said Board be not in session, at its next meeting after that period. The Board shall enter the objections at large on their journal, and cause the same to be published in one or more of the daily newspapers of the city of New York.

§ 3. The Board shall, after the expiration of not less than ten days thereafter, proceed to reconsider the same; and such act, resolution or ordinance, if approved by a majority of all the members elected to the Board, shall thereupon take effect. In all such cases, the votes of the Board shall be determined by the ayes and noes, and the names of the persons voting for and against its passage, shall be entered on the journal of the Board.

§ 4. If the Mayor shall not return any act, resolution or ordinance so presented to him, within the time above limited for that purpose, it shall take effect in the same manner as if he had signed it.

§ 5. No money shall be drawn from the treasury, except the same shall have been previously appropriated to the purpose for which it is drawn; and no expense shall be incurred, whether it shall have been ordered by the Board or not, unless an appropriation of money, then in

the treasury, sufficient to cover such expense, shall have been previously made.

§ 6. The Finance Department of the Mayor, Aldermen and Commonalty of the city of New York, and its officers, shall have the like power, and perform the like duties, in regard to the fiscal concerns of said Board, as they possess in regard to the local concerns of the said Mayor, Aldermen and Commonalty. All moneys drawn from the treasury, by authority of the Board of Supervisors, shall be upon vouchers for the expenditure thereof, examined and allowed by the Auditor, and approved by the Comptroller; and no such moneys shall be drawn therefrom, except on the warrant drawn by the Comptroller, and countersigned by the Mayor and Clerk of the Board, and no other warrant shall be necessary for such purpose.

§ 7. No allowance or payment, beyond legal claims, shall ever be allowed by the Board.

§ 8. The members of the Board of Supervisors, whenever attending as members of the Board of County Canvassers, shall not receive compensation for a greater period than ten days, for canvassing the votes of any election; nor shall any person receive any compensation for services as a Supervisor of the said county of New York.

§ 9. The Counsel to the Corporation of the city of New York shall be the legal adviser of the said Board of Supervisors, and shall receive such compensation for his services as shall be fixed by said Board, not exceeding the sum of two thousand dollars per annum.

§ 10. This act shall take effect immediately.

STATE OF NEW YORK, }  
Secretary's Office. }

I have compared the preceding with the original law on file in this office, and do hereby certify that the same is a correct transcript therefrom and of the whole of said original law.

Given under my hand and seal of office, at the city  
[L. s.] of Albany, the first day of May, in the year  
one thousand eight hundred and fifty-seven.

N. P. STANTON,

*Dep. Secretary of State.*

## AN ACT

TO AUTHORIZE THE SECOND AVENUE RAILROAD COMPANY OF  
THE CITY OF NEW YORK TO DISCONTINUE A PORTION OF  
THEIR TRACKS, AND TO CONSTRUCT NEW TRACKS.

Passed April 15, 1857.

*The People of the State of New York, represented in Senate  
and Assembly, do enact as follows:*

SEC. 1. The Second Avenue Railroad Company of the city of New York, are hereby authorized to discontinue the use of that portion of the tracks of their railroad, commencing in Chatham square, and running through Oliver street and South street to Peck slip.

§ 2. The said company are hereby authorized to extend and construct their said road, with a single or double track, through that part of the Bowery extending from Chatham square to Pearl street, and thence through Pearl street to Peck slip, and thence through Peck slip to South street, together with the necessary turn-outs or switches in Peck slip, for the convenient operation and working of said railroad.

§ 3. This act shall take effect immediately.

STATE OF NEW YORK, }  
Secretary's Office. } I have compared the preceding  
with the original law on file in this office, and do hereby



certify that the same is a correct transcript therefrom, and of the whole of said original law.

Given under my hand and seal of office, at the  
city of Albany, this first day of May, in the  
[L. S.] year one thousand eight hundred and fifty.  
seven.

N. P. STANTON,  
*Dep. Secretary of State.*

## AN ACT

IN RELATION TO THE ELECTION OF CERTAIN JUDICIAL OFFICERS IN THE CITY AND COUNTY OF NEW YORK.

Passed April 18, 1857.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SEC. 1. The Justices of the District Courts and the Police Justices of the city and county of New York, shall hereafter be elected on the first Tuesday of December preceding the expiration of their respective terms of office, at the same time with the election of charter officers for the said city.

§ 2. This act shall take effect immediately.

STATE OF NEW YORK, }  
Secretary's Office. }

I have compared the preceding with the original law on file in this office, and do hereby certify that the same is a correct transcript therefrom and of the whole of said original law.

[L. S.]      Given under my hand and seal of office at  
the city of Albany, this first day May,  
in the year one thousand eight hundred  
and fifty-seven.

N. P. STANTON,

*Dep. Secretary of State.*

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